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AMENDING SECTIONS 13-4434 AND 41-2408, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 21, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2414; AMENDING LAWS 2023, CHAPTER 133, SECTION 117; RELATING TO THE ARIZONA CRIMINAL JUSTICE COMMISSION.

AN ACT

SENATE BILL 1588

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

House Engrossed Senate Bill
criminal justice data collection; system.

S.B. 1588

1 Be it enacted by the Legislature of the State of Arizona:
2
3 read:
4 13-4434. Victim's right to privacy; exception: definitions.
5 A. The victim has the right at any court proceeding not to testify
6 regarding any identifying or locating information unless the victim
7 consents or the court orders disclosure on finding that a compelling need
8 for the information exists. A court proceeding on the motion shall be in
9 camera.
10 B. A victim's identifying and locating information that is
11 obtained, compiled or reported by a law enforcement agency or prosecution
12 agency shall be redacted by the originating agency and prosecution
13 agencies from records pertaining to the criminal case involving the
14 victim, including discovery disclosed to the defendant, the defendant's
15 attorney or any of the attorney's staff.
16 C. Subsection B of this section does not apply to:
17 1. The victim's name except, if the victim is a minor, the victim's
18 name may be redacted from public records pertaining to the crime if the
19 countervailing interests of confidentiality, privacy, the rights of the
20 minor or the best interests of this state outweigh the public interest in
21 disclosure.
22 2. Any records that are transmitted between law enforcement and
23 prosecution agencies or a court.
24 3. Any records if the victim or, if the victim is a minor, the
25 victim's representative as designated under section 13-4403 has consented
26 to the release of the information.
27 4. The general location at which the reported crime occurred.
28 5. The victim's address, if the victim's address appears in any
29 body-worn camera footage, photographs or other visual or audio depictions
30 and there is evidence that the defendant knows the victim's address
31 because of a relationship set forth in section 13-3601, subsection A.
32 6. ANY DATA THAT IS SHARED UNDER THE REPORTING REQUIREMENTS
33 PRESCRIBED IN SECTION 41-2414.
34 D. Notwithstanding subsections A and B of this section, a court may
35 order the victim's identifying and locating information to be disclosed in
36 a specific case if it is necessary to protect the defendant's
37 constitutional rights or when the information is not reasonably able to be
38 redacted because of undue burden or expense. Before the court discloses
39 the information, the victim must be notified and has the right to be heard
40 by the court. If the disclosure is made to the defendant's attorney, the
41 defendant's attorney may not disclose the information to any person other
42 than the attorney's staff and a designated investigator. The defendant's
43 attorney may not provide the disclosed information to the defendant
44 without specific authorization from the court.

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1 E. For the purposes of this section:
2 1. "Identifying information" includes a victim's date of birth,
3 social security number and official state or government issued driver
4 license or identification number.
5 2. "Locating information" includes the victim's address, telephone
6 number, email address and place of employment.
7 Sec. 2. Section 41-2408, Arizona Revised Statutes, is amended to
8 read:
9 41-2408. Criminal justice data collection: reporting
10 requirements; definitions
11 A. The Arizona criminal justice commission is designated as the
12 central collection point for criminal justice data collection.
13 B. Unless prohibited by federal or state law, the Arizona criminal
14 justice commission may require any state or local criminal justice agency
15 to submit any necessary information that is currently collected and
16 readily reportable ELECTRONICALLY by the agency at the time of the
17 request, including ALL OF THE FOLLOWING:
18 1. An agency's compliance with statutorily required reports or
19 mandated federal or state reporting, ~~or~~
20 2. Any other information that is deemed necessary by a vote of the
21 ~~full~~ commission.
22 C. This section does not authorize the Arizona criminal justice
23 commission to require state or local criminal justice agencies to collect
24 or maintain any new data that is not required under subsection B of this
25 section.
26 D. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL NOT RELEASE ANY
27 DISAGGREGATED PERSONALLY IDENTIFYING INFORMATION, LOCATING INFORMATION,
28 PHOTOGRAPH OR MUGSHOT OF ANY INDIVIDUAL.
29 E. For the purposes of this section: ~~—~~
30 1. "Criminal justice agency" has the same meaning prescribed in
31 section 41-1750.
32 2. "IDENTIFYING INFORMATION" INCLUDES A PERSON'S NAME, DATE OF
33 BIRTH, SOCIAL SECURITY NUMBER AND OFFICIAL STATE OR GOVERNMENT ISSUED
34 DRIVER LICENSE OR NONOPERATING IDENTIFICATION LICENSE NUMBER.
35 3. "LOCATING INFORMATION" INCLUDES A PERSON'S ADDRESS, TELEPHONE
36 NUMBER, EMAIL ADDRESS AND PLACE OF EMPLOYMENT.
37 Sec. 3. Title 41, chapter 21, article 1, Arizona Revised Statutes,
38 is amended by adding section 41-2414, to read:
39 41-2414. State, county and municipal online data system:
40 reporting requirements; definitions
41 A. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL IMPLEMENT THE
42 STATE, COUNTY AND MUNICIPAL ONLINE DATA SYSTEM. THE DATA SYSTEM SHALL BE
43 PUBLISHED ON THE COMMISSION'S WEBSITE IN A MODERN, OPEN, ELECTRONIC FORMAT
44 THAT IS READILY ACCESSIBLE TO THE PUBLIC. THE SYSTEM SHALL BECOME
45 OPERATIONAL ON THE VOTE OF THE COMMISSION. UNLESS PROHIBITED BY ANY OTHER

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1 LAW, THE CRIMINAL JUSTICE AGENCIES IN THIS STATE APPROVED BY THE
2 COMMISSION AS READY TO REPORT SHALL SUBMIT DATA THAT IS CURRENTLY
3 COLLECTED AND READILY REPORTABLE ELECTRONICALLY INTO THE SYSTEM AS
4 PRESCRIBED BY SECTION 41-2408 AND THIS SECTION.
5 B. LAW ENFORCEMENT AGENCIES SHALL REPORT:
6 1. FOR AN ALLEGED OFFENDER:
7 (a) A UNIQUE IDENTIFIER.
8 (b) THE INDIVIDUAL'S FULL NAME.
9 (c) THE INDIVIDUAL'S ADDRESS.
10 (d) THE UNIQUE AGENCY EVENT IDENTIFIER.
11 (e) THE INDIVIDUAL'S DATE OF BIRTH.
12 (f) IF DECEASED, THE DATE THE INDIVIDUAL WAS DECLARED DECEASED.
13 (g) THE INDIVIDUAL'S RACE.
14 (h) THE INDIVIDUAL'S SEX.
15 2. FOR A VICTIM:
16 (a) THE INDIVIDUAL'S DATE OF BIRTH.
17 (b) IF DECEASED, THE DATE THE INDIVIDUAL WAS DECLARED DECEASED.
18 (c) THE INDIVIDUAL'S RACE.
19 (d) THE INDIVIDUAL'S SEX.
20 (e) THE UNIQUE AGENCY EVENT IDENTIFIER.
21 3. FOR AN AGENCY OR SERVICE PROVIDER:
22 (a) THE UNIQUE AGENCY IDENTIFIER.
23 (b) THE NAME OF THE AGENCY.
24 (c) THE ADDRESS OF THE AGENCY.
25 (d) THE NAME OF THE FACILITY OR ORGANIZATION.
26 (e) THE ADDRESS AND USAGE FOR THE FACILITY OR ORGANIZATION.
27 4. FOR EVENTS:
28 (a) THE DATE THE EVENT STARTED AND ENDED.
29 (b) THE STATUS OF THE EVENT.
30 (c) THE PHYSICAL LOCATION WHERE THE EVENT TOOK PLACE.
31 (d) THE UNIQUE AGENCY IDENTIFIER.
32 (e) THE UNIQUE AGENCY EVENT IDENTIFIER ASSOCIATED WITH THE EVENT.
33 (f) IF APPLICABLE, THE UNIQUE IDENTIFIER FOR THE PROVIDER
34 ASSOCIATED WITH THE EVENT.
35 (g) THE OFFICIAL NAME OF THE PROVIDER FACILITY ASSIGNED BY THE
36 PROVIDER.
37 (h) THE EVIDENCE OR PROPERTY ITEM UNIQUE IDENTIFIER, SEQUENCE
38 NUMBER AND DESCRIPTION, INCLUDING THE QUANTITY OF THE EVENT PROPERTY
39 COLLECTED AT THE SCENE.
40 (i) THE RECORD NUMBER OF THE EVIDENCE OR PROPERTY ITEM FOR CRIME
41 LABORATORY ANALYSIS.
42 (j) THE DATE THE CRIME LABORATORY ANALYSIS OF THE EVIDENCE OR
43 PROPERTY ITEM WAS REQUESTED, AND THE DATE THE CRIME LABORATORY ANALYSIS
44 WAS COMPLETED.

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1	5. FOR RESULTS:
2	(a) THE UNIQUE AGENCY EVENT IDENTIFIER ASSOCIATED WITH THE CHARGE
3	OR ALLEGATION.
4	(b) THE SPECIFIC CHARGE OR ALLEGATION.
5	(c) THE BOOKING AGENCY REPORTING THE CHARGE OR ALLEGATION.
6	(d) THE DATE THE CHARGE OR ALLEGATION WAS REPORTED.
7	(e) THE STATUS OF THE CHARGE OR ALLEGATION.
8	(f) THE DATE THE CRIME LABORATORY ANALYSIS WAS CONDUCTED.
9	(g) THE RESULT OR FINDING OF THE CRIME LABORATORY ANALYSIS.
10	(h) THE RELEASE DATE FROM THE JAIL OR DETENTION CENTER.
11	6. THE NUMBER OF SWORN PEACE OFFICERS EMPLOYED BY THE AGENCY ON
12	JANUARY 31 OF EACH YEAR. EACH LAW ENFORCEMENT AGENCY SHALL PROVIDE A COPY
13	OF THE INFORMATION REQUIRED BY THIS PARAGRAPH TO THE ARIZONA PEACE OFFICER
14	STANDARDS AND TRAINING BOARD ESTABLISHED BY SECTION 41-1821.
15	C. PROSECUTING AGENCIES SHALL REPORT:
16	1. FOR A DEFENDANT:
17	(a) THE INDIVIDUAL'S FULL NAME.
18	(b) THE INDIVIDUAL'S ADDRESS.
19	(c) THE INDIVIDUAL'S DATE OF BIRTH AND BIRTHPLACE.
20	(d) IF DECEASED, THE DATE THE INDIVIDUAL WAS DECLARED DECEASED.
21	(e) THE INDIVIDUAL'S RACE.
22	(f) THE INDIVIDUAL'S SEX.
23	(g) ANY ALIAS THE INDIVIDUAL MAY HAVE HAD.
24	(h) THE COUNTRY WHERE THE INDIVIDUAL LIVES OR LIVED, IF DECEASED.
25	(i) THE NAME OF THE TRIBAL NATION IN WHICH THE INDIVIDUAL IS A
26	MEMBER, IF APPLICABLE.
27	(j) IF THE INDIVIDUAL IS CURRENTLY SERVING OR HAS SERVED IN THE
28	ARMED FORCES.
29	(k) THE INDIVIDUAL'S DISABILITIES, IF ANY.
30	(l) ANY LANGUAGES THE INDIVIDUAL SPEAKS.
31	2. FOR A VICTIM:
32	(a) THE INDIVIDUAL'S DATE OF BIRTH AND BIRTHPLACE.
33	(b) THE UNIQUE LAW ENFORCEMENT EVENT IDENTIFIER.
34	(c) IF DECEASED, THE DATE THE INDIVIDUAL WAS DECLARED DECEASED.
35	(d) THE INDIVIDUAL'S RACE.
36	(e) THE INDIVIDUAL'S SEX.
37	(f) THE COUNTRY OF WHICH THE INDIVIDUAL IS A CITIZEN.
38	(g) THE COUNTRY WHERE THE INDIVIDUAL LIVES OR LIVED, IF DECEASED.
39	(h) THE NAME OF THE TRIBAL NATION IN WHICH THE INDIVIDUAL IS A
40	MEMBER, IF APPLICABLE.
41	(i) IF THE INDIVIDUAL IS CURRENTLY SERVING OR HAS SERVED IN THE
42	ARMED FORCES.
43	(j) THE INDIVIDUAL'S DISABILITIES, IF ANY.
44	(k) ANY LANGUAGES THE INDIVIDUAL SPEAKS.

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1	3. FOR AN AGENCY:	
2	(a) THE UNIQUE AGENCY IDENTIFIER.	
3	(b) THE NAME OF THE AGENCY.	
4	(c) THE ADDRESS OF THE AGENCY.	
5	4. FOR EVENTS:	
6	(a) THE UNIQUE LAW ENFORCEMENT EVENT IDENTIFIER ASSOCIATED WITH THE	DEFENDANT.
7		
8	(b) THE UNIQUE AGENCY IDENTIFIER.	
9	(c) THE UNIQUE AGENCY EVENT IDENTIFIER ASSOCIATED WITH THE COURT	PROCEEDING.
10		
11	(d) THE CHARGES FILED AND ANY AMENDMENTS TO THE CHARGES AT	DISPOSITION.
12		
13	5. FOR RESULTS:	
14	(a) THE UNIQUE LAW ENFORCEMENT EVENT IDENTIFIER ASSOCIATED WITH THE	DEFENDANT.
15		
16	(b) THE COMPENSATION AWARDED TO THE VICTIMS OF THE EVENT.	
17	(c) THE DATES THE CHARGES WERE FILED BY THE PROSECUTION.	
18	D. COURTS SHALL REPORT:	
19	1. FOR A DEFENDANT:	
20	(a) THE INDIVIDUAL'S FULL NAME.	
21	(b) THE INDIVIDUAL'S ADDRESS.	
22	(c) THE INDIVIDUAL'S DATE OF BIRTH AND BIRTHPLACE.	
23	(d) THE COURT PROCEEDING UNIQUE IDENTIFIER.	
24	(e) IF DECEASED, THE DATE THE INDIVIDUAL WAS DECLARED DECEASED.	
25	(f) THE INDIVIDUAL'S RACE.	
26	(g) THE INDIVIDUAL'S SEX.	
27	(h) ANY ALIAS THE INDIVIDUAL MAY HAVE HAD.	
28	(i) THE COUNTRY WHERE THE INDIVIDUAL LIVES OR LIVED, IF DECEASED.	
29	2. FOR AN AGENCY:	
30	(a) THE UNIQUE AGENCY IDENTIFIER.	
31	(b) THE NAME OF THE AGENCY.	
32	(c) THE ADDRESS OF THE AGENCY.	
33	3. FOR EVENTS:	
34	(a) THE UNIQUE LAW ENFORCEMENT EVENT IDENTIFIER ASSOCIATED WITH THE	COURT PROCEEDING.
35		
36	(b) THE UNIQUE AGENCY IDENTIFIER.	
37	(c) THE JUDGE OR MAGISTRATE WHO PRESIDED OVER THE PROCEEDING.	
38	(d) THE DATE THE COURT PROCEEDING BEGAN.	
39	(e) THE COUNTRY WHERE THE COURT PROCEEDINGS TOOK PLACE.	
40	(f) THE TYPE OF CRIMINAL COURT CASE AND COURT PROCEEDING.	
41	(g) THE TYPE AND DATE OF THE HEARING OR EVENT IN THE COURT.	
42	(h) THE CHARGES FILED AND ANY AMENDMENTS TO THE CHARGES AT	DISPOSITION.
43		
44	(i) IF AN APPEAL WAS FILED.	

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1 4. FOR RESULTS:
2 (a) THE UNIQUE IDENTIFIER ASSOCIATED WITH THE COURT PROCEEDING.
3 (b) THE AGENCY UNIQUE IDENTIFIER.
4 (c) THE PRETRIAL RELEASE DECISION BY THE COURT.
5 (d) THE TYPE OF BOND AND BOND AMOUNT DETERMINED BY THE COURT.
6 (e) THE GRAND JURY INDICTMENT AT THE COURT.
7 (f) THE OUTCOME OF THE COURT PLEADING OR MOTION.
8 (g) THE OUTCOME OF THE COURT HEARING OR EVENT.
9 (h) THE WARRANT ISSUED BY THE COURT.
10 (i) THE DATE THE WARRANT WAS ORDERED.
11 (j) THE REASON FOR THE WARRANT.
12 (k) THE DISPOSITION CATEGORY AND THE DETAIL OF THE COURT CASE.
13 (l) THE DATE OF THE COURT DISPOSITION.
14 (m) THE TYPE OF SENTENCING AND SENTENCING CONDITIONS IMPOSED.
15 E. THE STATE DEPARTMENT OF CORRECTIONS SHALL REPORT:
16 1. FOR AN INMATE:
17 (a) THE INMATE'S FULL NAME.
18 (b) THE INMATE'S ADDRESS.
19 (c) THE INMATE'S UNIQUE IDENTIFIER.
20 (d) THE INMATE'S DATE OF BIRTH AND BIRTHPLACE.
21 (e) IF DECEASED, THE DATE THE INMATE WAS DECLARED DECEASED.
22 (f) THE INMATE'S RACE.
23 (g) THE INMATE'S SEX.
24 (h) ANY ALIAS THE INMATE MAY HAVE HAD.
25 (i) THE COUNTRY WHERE THE INMATE LIVES OR LIVED, IF DECEASED.
26 (j) THE NAME OF THE TRIBAL NATION IN WHICH THE INMATE IS A MEMBER,
27 IF APPLICABLE.
28 (k) IF THE INMATE HAS SERVED IN THE ARMED FORCES.
29 (l) THE INMATE'S DISABILITIES, IF ANY.
30 (m) ANY LANGUAGES THE INMATE SPEAKS.
31 2. FOR AN AGENCY:
32 (a) THE UNIQUE AGENCY IDENTIFIER.
33 (b) THE NAME OF THE AGENCY.
34 (c) THE ADDRESS OF THE AGENCY.
35 3. FOR A PROVIDER OR FACILITY:
36 (a) A UNIQUE PROVIDER OR FACILITY IDENTIFIER.
37 (b) THE NAME OF THE FACILITY OR ORGANIZATION.
38 (c) THE ADDRESS OF THE FACILITY OR ORGANIZATION.
39 4. FOR EVENTS OR SERVICES:
40 (a) THE SERVICES PROVIDED.
41 (b) THE SERVICES IDENTIFIED IN THE PRISON OR COMMUNITY CORRECTIONS
42 CASE PLAN.
43 (c) THE UNIQUE AGENCY INMATE IDENTIFIER.
44 (d) THE UNIQUE AGENCY IDENTIFIER.
45 (e) THE UNIQUE PROVIDER OR FACILITY IDENTIFIER.

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1	(f)	THE UNIQUE IDENTIFIER ASSOCIATED WITH THE COURT PROCEEDING.
2	(g)	THE LEVEL OF SECURITY ASSIGNED TO THE INMATE.
3	(h)	THE DISCHARGE REQUEST DATE TO THE BOARD OF EXECUTIVE CLEMENCY.
4	5.	FOR RESULTS:
5	(a)	THE UNIQUE AGENCY INMATE IDENTIFIER.
6	(b)	THE UNIQUE AGENCY IDENTIFIER.
7	(c)	THE UNIQUE PROVIDER OR FACILITY IDENTIFIER.
8	(d)	THE UNIQUE IDENTIFIER ASSOCIATED WITH THE COURT PROCEEDING.
9	(e)	THE NAME AND TYPE OF ASSESSMENT OR ANALYSIS.
10	(f)	THE DATE THE ASSESSMENT OR ANALYSIS WAS CONDUCTED.
11	(g)	THE RESULTS OR FINDINGS OF THE ASSESSMENT OR ANALYSIS.
12	(h)	THE COMMUNITY SUPERVISION VIOLATION TYPE AND OUTCOME.
13	(i)	GANG MEMBERSHIP STATUS, IF APPLICABLE.
14	(j)	THE CATEGORY AND DATE OF THE DISCIPLINARY VIOLATION.
15	(k)	THE TYPE AND LEVEL OF TREATMENTS AND INTERVENTIONS INVOLVING
16	THE INMATE.	
17	(1)	THE DATES OF THE TREATMENT OR INTERVENTION SESSIONS IN WHICH
18	THE INMATE PARTICIPATED.	
19	(m)	THE DATE DETERMINED FOR RELEASE OR EARLY RELEASE.
20	(n)	THE EMPLOYMENT STATUS OF THE INMATE PLACED ON COMMUNITY
21	SUPERVISION.	
22	(o)	THE STATUS OF TREATMENTS ASSIGNED TO THE INMATE.
23	(p)	THE DATE COMMUNITY SUPERVISION BEGAN AND ENDED.
24	(q)	IF APPLICABLE, THE DATE COMMUNITY SUPERVISION WAS TRANSFERRED
25	TO ANOTHER JURISDICTION.	
26	F.	PROBATION SHALL REPORT:
27	1.	FOR A PROBATIONER:
28	(a)	THE PROBATIONER'S FULL NAME.
29	(b)	THE PROBATIONER'S ADDRESS.
30	(c)	THE PROBATIONER'S UNIQUE IDENTIFIER.
31	(d)	THE PROBATIONER'S DATE OF BIRTH AND BIRTHPLACE.
32	(e)	IF DECEASED, THE DATE THE PROBATIONER WAS DECLARED DECEASED.
33	(f)	THE PROBATIONER'S RACE.
34	(g)	THE PROBATIONER'S SEX.
35	(h)	ANY ALIAS THE PROBATIONER MAY HAVE HAD.
36	(i)	THE COUNTRY WHERE THE PROBATIONER LIVES OR LIVED, IF DECEASED.
37	2.	FOR AN AGENCY:
38	(a)	A UNIQUE AGENCY IDENTIFIER.
39	(b)	THE NAME OF THE AGENCY.
40	(c)	THE ADDRESS OF THE AGENCY.
41	3.	FOR EVENTS:
42	(a)	THE PROBATIONER'S UNIQUE IDENTIFIER.
43	(b)	THE UNIQUE AGENCY IDENTIFIER.
44	(c)	AN INDICATOR OF AN INTERSTATE COMPACT PROBATION CASE.

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1 4. FOR RESULTS:
2 (a) THE PROBATIONER'S UNIQUE IDENTIFIER.
3 (b) THE UNIQUE AGENCY IDENTIFIER.
4 (c) THE TYPE OF PROBATION VIOLATION AND THE RESULT.
5 G. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL NOT RELEASE ANY
6 DISAGGREGATED PERSONALLY IDENTIFYING INFORMATION, LOCATING INFORMATION,
7 PHOTOGRAPH OR MUGSHOT OF ANY INDIVIDUAL.
8 H. THE ARIZONA CRIMINAL JUSTICE COMMISSION SHALL ESTABLISH POLICIES
9 TO PROTECT CONFIDENTIAL INFORMATION. CRIMINAL JUSTICE DATA MAY NOT BE MADE
10 AVAILABLE BY THE ARIZONA CRIMINAL JUSTICE COMMISSION FOR ANY POLITICAL OR
11 COMMERCIAL PURPOSES.
12 I. FOR THE PURPOSES OF THIS SECTION:
13 1. "ALLEGED OFFENDER" MEANS A PERSON WHO IS CHARGED WITH OR
14 ARRESTED FOR A CRIMINAL OFFENSE.
15 2. "CRIMINAL JUSTICE AGENCY" HAS THE SAME MEANING PRESCRIBED IN
16 SECTION 41-1750.
17 3. "IDENTIFYING INFORMATION" INCLUDES A PERSON'S NAME, DATE OF
18 BIRTH, SOCIAL SECURITY NUMBER AND OFFICIAL STATE OR GOVERNMENT ISSUED
19 DRIVER LICENSE OR IDENTIFICATION NUMBER.
20 4. "LOCATING INFORMATION" INCLUDES THE PERSON'S ADDRESS, TELEPHONE
21 NUMBER, EMAIL ADDRESS AND PLACE OF EMPLOYMENT.
22 5. "PROSECUTING AGENCY" HAS THE SAME MEANING PRESCRIBED IN SECTION
23 38-1119.
24 Sec. 4. Laws 2023, chapter 133, section 117 is amended to read:
25 Sec. 117. Appropriations: state treasurer: firearm training
26 simulators: fiscal year 2023-2024
27 A. The sum of \$1,368,000 is appropriated from the peace officer
28 training equipment fund established by section 41-1731, Arizona Revised
29 Statutes, in fiscal year 2023-2024 to the state treasurer for firearm
30 training simulators. THE FIREARM TRAINING SIMULATORS MUST INCLUDE:
31 1. AN ELECTRONIC IMPULSE DEVICE USING A SAFE ELECTRIC SHOCK TO
32 SIMULATE CONSEQUENCES DURING SCREEN-BASED SIMULATION TRAINING.
33 2. PRELOADED CURRICULUM AND INTERACTIVE VIRTUAL COURSEWORK THAT IS
34 CERTIFIED BY THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
35 ESTABLISHED BY SECTION 41-1821, ARIZONA REVISED STATUTES, AND HAS BEEN
36 DEVELOPED EXCLUSIVELY WITH NATIONALLY RECOGNIZED PARTNERSHIPS.
37 B. The state treasurer shall distribute the monies appropriated in
38 subsection A of this section in the following amounts to the following
39 recipients:
40 1. \$300,000 to the Phoenix police department.
41 2. \$300,000 to the Mohave county probation department.
42 3. \$138,000 to the Casa Grande police department.
43 4. \$330,000 to the Maricopa county sheriff's office.
44 5. \$300,000 to the Navajo county sheriff's office.

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(TEXT OF BILL BEGINS ON NEXT PAGE)

AMENDING SECTIONS 41-1278 AND 41-1279.02, ARIZONA REVISED STATUTES;
REPEALING SECTION 41-1279.03, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS
2021, CHAPTER 405, SECTION 25; AMENDING SECTION 41-1279.03, ARIZONA
REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 3, SECTION 11; AMENDING
SECTIONS 41-1279.04, 41-1279.06, 41-1279.07 AND 41-1279.21, ARIZONA
REVISED STATUTES; REPEALING SECTION 41-1279.22, ARIZONA REVISED STATUTES;
AMENDING SECTION 41-2954, ARIZONA REVISED STATUTES; RELATING TO THE
AUDITOR GENERAL.

AN ACT

SENATE BILL 1650

CHAPTER 40

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

House Engrossed Senate Bill
auditor general; duties; access

S.B. 1650

1 Be it enacted by the Legislature of the State of Arizona:
2
3 read:
4 41-1278. Definitions
5 In this article, unless the context otherwise requires:
6 1. "Committee" means the joint legislative audit committee.
7 2. "Investigation" means an inquiry into specified acts or
8 allegations of impropriety, malfeasance or nonfeasance in the obligation,
9 expenditure, receipt or use of public funds of this state MONIES or into
10 specified financial transactions or practices which THAT may involve such
11 impropriety, malfeasance or nonfeasance.
12 3. "Performance audit" means an audit which THAT determines with
13 regard to the purpose, functions and duties of the audited agency ~~at~~ ONE
14 OR MORE of the following:
15 (a) Whether the audited agency is managing or utilizing USING its
16 resources, including public funds MONIES of this state, personnel,
17 property, equipment and space, in an economical and efficient manner.
18 (b) Causes of inefficiencies or uneconomical practices, including
19 inadequacies in management information systems, internal and
20 administrative procedures, organizational structure, use of resources,
21 allocation of personnel, purchasing policies and equipment.
22 (c) Whether the desired results are being achieved.
23 (d) Whether objectives established by the legislature or other
24 authorizing body are being met.
25 4. "Special audit" means an audit of limited scope.
26 5. "Special research request" means research and analysis of issues
27 or questions that are designated as a special research request by the
28 committee, but does not include a performance audit, financial audit,
29 compliance audit, procedural review, special audit, investigation or
30 evaluation required by law.
31 6. "State agency" means all departments, agencies, boards,
32 commissions, institutions and instrumentalities of this state.
33 Sec. 2. Section 41-1279.02, Arizona Revised Statutes, is amended to
34 read:
35 41-1279.02. Personnel; criminal history records
36 A. The auditor general may, with the approval of the committee, MAY
37 appoint and prescribe the duties of such additional professional,
38 technical, clerical and other employees, or contract for such services,
39 necessary to administer the duties of the auditor general's office. The
40 employees shall receive compensation as determined pursuant to section
41 38-611 and serve at the pleasure of the auditor general.
42 B. The auditor general may obtain criminal history record
43 information pursuant to section 41-1750, subsection 6 from the department
44 of public safety for the purpose of employment of personnel by the auditor
45 general.

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1 C. Information obtained pursuant to subsection B of this section
2 shall not be disclosed by the auditor general except to members of the
3 auditor general's staff pursuant to the requirements prescribed by the
4 DEPARTMENT OF PUBLIC SAFETY AND solely for the purpose of employment of
5 personnel by the auditor general.
6 Sec. 3. Repeal
7 Section 41-1279.03, Arizona Revised Statutes, as amended by Laws
8 2021, chapter 405, section 25, is repealed.
9 Sec. 4. Section 41-1279.03, Arizona Revised Statutes, as amended by
10 Laws 2019, chapter 3, section 11, is amended to read:
11 41-1279.03. Powers and duties
12 A. The auditor general shall:
13 1. Prepare an audit plan for approval by the committee and report
14 to the committee the results of each audit and investigation and other
15 reviews conducted by the auditor general.
16 2. Conduct or cause to be conducted at least biennial ANNUAL
17 financial and compliance audits of financial transactions and accounts
18 kept by or for all state agencies subject to the FEDERAL single audit act
19 of 1984 (P.L. 98-502) REQUIREMENTS. The audits shall be conducted in
20 accordance with generally accepted governmental auditing standards and
21 accordingly shall include tests of the accounting records and other
22 auditing procedures as may be considered necessary in the circumstances.
23 The audits shall include the issuance of suitable reports as required by
24 the FEDERAL single audit act of 1984 (P.L. 98-502) REQUIREMENTS so that
25 the legislature, the federal government and others will be informed as to
26 the adequacy of financial statements of the THIS state in compliance with
27 generally accepted governmental accounting principles and to determine
28 whether this state has complied with laws and regulations that may have a
29 material effect on the financial statements and on major federal
30 assistance programs.
31 3. Perform procedural reviews for all state agencies at times
32 determined by the auditor general. These reviews may include evaluation
33 of administrative and accounting internal controls and reports on these
34 reviews.
35 4. Perform special research requests, special audits and related
36 assignments as designated by the committee and conduct performance audits,
37 special audits, special research requests and investigations of any state
38 agency, whether created by the constitution or otherwise, as may be
39 requested by the committee.
40 5. Annually on or before the fourth Monday of December, prepare a
41 written report to the governor and to the committee that contains a
42 summary of activities for the previous fiscal year.
43 6. In the tenth FIFTH year and in each fifth year thereafter in
44 which a transportation excise tax is in effect in a county as provided in
45 section 42-6106 or 42-6107, conduct a performance audit that:

1 (a) Reviews past expenditures and future planned expenditures of
2 the transportation excise revenues and determines the impact of the
3 expenditures in solving transportation problems within the county and, for
4 a transportation excise tax in effect in a county as provided in section
5 42-6107, determines whether the expenditures of the transportation excise
6 revenues comply with section 28-6392, subsection B.
7 (b) Reviews projects completed to date and projects to be completed
8 during the remaining years in which a transportation excise tax is in
9 effect. Within six months after each review period, the auditor general
10 shall present a report to the speaker of the house of representatives and
11 the president of the senate detailing findings and making recommendations.
12 (c) Reviews, determines, reports and makes recommendations to the
13 speaker of the house of representatives and the president of the senate
14 whether the distribution of ARIZONA highway user revenues complies with
15 title 28, chapter 18, article 2.
16 7. If requested by the committee, conduct performance audits of
17 counties and incorporated cities and towns receiving ARIZONA highway user
18 revenue fund monies pursuant to title 28, chapter 18, article 2 to
19 determine whether the monies are being spent as provided in section
20 28-6533, subsection B.
21 8. Perform special audits designated pursuant to law if the auditor
22 general determines that there are adequate monies appropriated for the
23 auditor general to complete the audit. If the auditor general determines
24 the appropriated monies are inadequate, the auditor general shall notify
25 the committee. BASED ON INFORMATION PROVIDED BY THE AUDITOR GENERAL, FOR
26 ANY LEGISLATIVE MEASURE THAT REQUIRES THE AUDITOR GENERAL TO PERFORM A
27 SPECIAL AUDIT, THE JOINT LEGISLATIVE BUDGET COMMITTEE STAFF SHALL NOTIFY
28 ALL THE MEMBERS OF THE LEGISLATURE AS SOON AS PRACTICABLE OF THE COST TO
29 CONDUCT THE SPECIAL AUDIT.
30 9. Establish a schoolwide audit team in the office of the auditor
31 general to conduct performance audits and monitor school districts to
32 determine the percentage of every dollar spent in the classroom by the
33 school district. Each school district shall prominently post on its
34 website home page a copy of its profile pages that displays the percentage
35 of every dollar spent in the classroom by that school district from the
36 most recent status report issued by the auditor general pursuant to this
37 paragraph. The performance audits shall determine whether the school
38 districts that receive monies from the Arizona English language learner
39 fund established by section 15-756.04 and the statewide compensatory
40 instruction fund established by section 15-756.11 comply with title 15,
41 chapter 7, article 3.1. The auditor general shall determine, through
42 random selection, the school districts to be audited each year, subject to
43 review by the joint legislative audit committee. A school district that
44 is subject to an audit pursuant to this paragraph shall notify the auditor
45 general in writing whether the school district agrees or disagrees with

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1 the findings and recommendations of the audit and whether the school
2 district will implement the findings and recommendations, implement
3 modifications to the findings and recommendations or refuse to implement
4 the findings and recommendations. The school district shall submit to the
5 auditor general a written status report on the implementation of the audit
6 findings and recommendations every six months for two years after AT THE
7 REQUEST OF THE AUDITOR GENERAL, WITHIN THE TWO-YEAR PERIOD FOLLOWING THE
8 ISSUANCE OF an audit conducted pursuant to this paragraph. The auditor
9 general shall review the school district's progress toward implementing
10 the findings and recommendations of the audit every six months after
11 receipt of the district's status report for two years AND PROVIDE STATUS
12 REPORTS OF THE REVIEWS TO THE JOINT LEGISLATIVE AUDIT COMMITTEE DURING
13 THIS TWO-YEAR PERIOD. The auditor general may review a school district's
14 progress beyond this two-year period for recommendations that have not yet
15 been implemented by the school district. The auditor general shall
16 provide a status report of these reviews to the joint legislative audit
17 committee. The school district shall participate in any hearing scheduled
18 during this review period by the joint legislative audit committee or by
19 any other legislative committee designated by the joint legislative audit
20 committee.
21 10. Annually review per diem compensation and reimbursement of
22 expenses for employees of this state and members of a state board,
23 commission, council or advisory committee by judgmentally selecting
24 samples and evaluating the propriety of per diem compensation and expense
25 reimbursements.
26 B. The auditor general may:
27 1. Subject to approval by the committee, adopt rules necessary to
28 administer the duties of the office.
29 2. Hire consultants to conduct the studies required by subsection
30 A, paragraphs 6 and 7 of this section.
31 C. If approved by the committee, the auditor general may charge a
32 reasonable fee for the cost of performing audits or providing accounting
33 services for auditing federal funds, special audits or special services
34 requested by political subdivisions of this state. Montes collected
35 pursuant to this subsection shall be deposited in the audit services
36 revolving fund.
37 D. The department of transportation, THE COUNTY TREASURER, THE
38 COUNTY TRANSPORTATION EXCISE TAX RECIPIENTS AND the board of supervisors
39 of a county that has approved a county transportation excise tax as
40 provided in section 42-6106 or 42-6107 and the governing bodies of
41 counties, cities and towns receiving ARIZONA highway user revenue fund
42 montes shall cooperate with and provide necessary information to the
43 auditor general or the auditor general's consultant.

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1 E. The department of transportation OR THE COUNTY TRANSPORTATION
2 EXCISE TAX RECIPIENTS shall reimburse the auditor general as follows, and
3 the auditor general shall deposit the reimbursed monies in the audit
4 services revolving fund:
5 1. For the cost of conducting the studies or hiring a consultant to
6 conduct the studies required by subsection A, paragraph 6, subdivisions
7 (a) and (b) of this section, from monies collected pursuant to a county
8 transportation excise tax levied pursuant to section 42-6106 or 42-6107.
9 2. For the cost of conducting the studies or hiring a consultant
10 pursuant to subsection A, paragraph 6, subdivision (c) and paragraph 7 of
11 this section, from the Arizona highway user revenue fund.
12 Sec. 5. Section 41-1279.04, Arizona Revised Statutes, is amended to
13 read:
14 41-1279.04. Authority to examine records: violation:
15 classification
16 A. The auditor general or the auditor general's authorized
17 representatives, in the performance of official duties, shall have access
18 to, EMPLOYEES and THE authority to examine, any and all books, accounts,
19 reports, vouchers, correspondence files and other records, bank accounts,
20 criminal history record information as defined in section 41-1701 AND IN
21 ACCORDANCE WITH SECTION 41-1750, ~~money~~ MONIES and other property of any
22 state agency, board, commission, department, institution, program,
23 advisory council or committee or political subdivision of this state,
24 whether created by the constitution or otherwise, or such documents and
25 property of a contractor relating to a contract with this state pursuant
26 to the provisions of section 35-214. ~~It is the duty of any officer or~~
27 ~~employee of any such agency or political subdivision, having such records~~
28 ~~under the officer's or employee's control, to permit SHALL ALLOW access to~~
29 and examination of the records on the request of the auditor general or
30 the auditor general's authorized representative.
31 B. For the purpose of complying with section 41-1279.03, subsection
32 A, paragraphs 4 and 9, the auditor general or the auditor general's
33 authorized representative, in the performance of official duties, may
34 attend executive sessions of the governing body of any state agency or
35 school district in this state.
36 C. For the purpose of auditing the department of revenue, the
37 auditor general and the auditor general's authorized representatives have
38 access to state tax returns, except that a report of the auditor general
39 shall not violate the confidentiality of state tax laws.
40 D. FOR THE PURPOSE OF COMPLYING WITH SUBSECTION A OF THIS SECTION,
41 ALL OFFICERS OF ANY STATE AGENCY, BOARD, COMMISSION, DEPARTMENT,
42 INSTITUTION, PROGRAM, ADVISORY COUNCIL OR COMMITTEE OR POLITICAL
43 SUBDIVISION OF THIS STATE SHALL PROVIDE REASONABLE SPACE FOR AUDITOR
44 GENERAL STAFF AND MAKE RECORDS AVAILABLE, IN THE FORM AND AT THE TIME
45 PRESCRIBED.

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the following information:

(a) An annual expenditure limitation report that includes at least

1. For counties:

20 and 21, Constitution of Arizona. The system shall include:

A. The auditor general shall prescribe a uniform expenditure reporting system for all political subdivisions subject to the constitutional expenditure limitations prescribed by article IX, sections 20 and 21, Constitution of Arizona. The system shall include:

Investigation; violation; classification

assistance by auditor general; attorney general

and towns; certification and attestation;

counties, community college districts, cities

41-1279.07. Uniform expenditure reporting system: reports by

read:

Sec. 7. Section 41-1279.07, Arizona Revised Statutes, is amended to

provisions of section 35-190, relating to lapsing of appropriations.

C. Monies in the audit services revolving fund are exempt from the

services.

for certified public accountants to conduct such audits or provide such

and counties, community college districts and school districts or to pay

statement audits or accounting services requested by state budget units

conducting audits required under federal law, special audits or financial

B. The auditor general shall use the fund monies for the purpose of

4. ANY OTHER SOURCE AUTHORIZED BY LAW.

OF THE TRANSPORTATION EXCISE TAX AS PRESCRIBED BY SECTION 41-1279.03.

3. COUNTIES WHERE THE AUDITOR GENERAL CONDUCTS A PERFORMANCE AUDIT

FEDERAL LAWS, RULES AND REGULATIONS or provides accounting services.

financial statement audits OR AUDITS OF FEDERAL FUNDS RECEIVED UNDER

school districts for which the auditor general performs special audits,

2. State budget units and counties, community college districts and

federal law and federal rules and regulations.

1. State budget units for audits of federal funds required under

consists of any monies received by the auditor general from:

ESTABLISHED. The auditor general shall administer the fund. The fund

A. ~~There is established an~~ THE audit services revolving fund IS

from lapsing

41-1279.06. Audit services revolving fund: use; exemption

read:

Sec. 6. Section 41-1279.06, Arizona Revised Statutes, is amended to

OFFENDERS UNDER THIS SECTION.

F. THE ATTORNEY GENERAL SHALL SUPERVISE THE PROSECUTION OF ALL

THE AUDITOR GENERAL'S DUTIES IS guilty of a class 2 misdemeanor.

KNOWINGLY OBSTRUCTS OR MISLEADS THE AUDITOR GENERAL IN THE EXECUTION OF

~~permit such~~ ALLOW access and examination PURSUANT TO THIS SECTION OR

D. E. Any officer or person who knowingly fails or refuses to

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1 (1) The expenditure limitation established for the reporting fiscal
2 year by the economic estimates commission.
3 (11) Total expenditures, by fund, for the reporting fiscal year.
4 (111) Total exclusions from local revenues, as defined by article
5 IX, section 20, Constitution of Arizona, by fund, for the reporting fiscal
6 year.
7 (iv) Total amounts, by fund, of expenditures subject to the
8 expenditure limitation for the reporting fiscal year.
9 (b) Annual financial statements prepared in accordance with
10 generally accepted accounting principles.
11 (c) A reconciliation of the total expenditures reported within the
12 financial statements to the total expenditures stated within the
13 expenditure limitation report.
14 2. For community college districts:
15 (a) An annual budgeted expenditure limitation report that includes
16 at least the following information:
17 (1) The expenditure limitation established for the reporting fiscal
18 year by the economic estimates commission.
19 (11) Total budgeted expenditures, by fund, for the reporting fiscal
20 year.
21 (111) Total exclusions from local revenues, as defined by article
22 IX, section 21, Constitution of Arizona, by fund, for the reporting fiscal
23 year.
24 (iv) Total amounts, by fund, of budgeted expenditures subject to
25 the expenditure limitation for the reporting fiscal year.
26 (b) Annual financial statements prepared in accordance with
27 generally accepted accounting principles.
28 (c) A reconciliation of the total expenditures reported within the
29 financial statements to the total expenditures reported within the
30 expenditure limitation report.
31 3. For cities and towns:
32 (a) An annual expenditure limitation report that includes at least
33 the following information:
34 (1) The expenditure limitation established for the reporting fiscal
35 year by the economic estimates commission and, if applicable, the voter
36 approved alternative expenditure limitation.
37 (11) Total expenditures, by fund, for the reporting fiscal year.
38 (111) Total exclusions from local revenues, as defined by article
39 IX, section 20, Constitution of Arizona, by fund, for the reporting fiscal
40 year or, if applicable, the total exclusions from the voter approved
41 alternative expenditure limitation.
42 (iv) Total amounts, by fund, of expenditures subject to the
43 expenditure limitation for the reporting fiscal year.
44 (b) Financial statements prepared in accordance with generally
45 accepted accounting principles.

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1 (c) A reconciliation of the total expenditures reported within the
2 financial statements to the total expenditures reported within the
3 expenditure limitation report.
4 B. The auditor general shall provide detailed instructions for
5 completion and submission of the reports described in subsection A of this
6 section. The auditor general shall prescribe definitions for terms used
7 in and the form of the reports described in subsection A of this section.
8 The reports described in subsection A of this section are required of
9 counties and community college districts beginning with fiscal year
10 1981-1982. The reports described in subsection A of this section are
11 required of cities and towns beginning with the fiscal year the political
12 subdivision is subject to the expenditure limitation. The annual
13 reporting requirements also apply to political subdivisions subject to an
14 alternative expenditure limitation enacted pursuant to article IX, section
15 20, subsection (9), Constitution of Arizona.
16 C. The reports described in subsection A of this section must be
17 filed with the auditor general within nine months after the close of each
18 fiscal year.
19 D. The auditor general or a certified public accountant performing
20 the annual audit required pursuant to sections 41-1279.21 and 9-481 shall
21 attest to the expenditure limitation reports and financial statements for
22 counties, community college districts and cities. The certified public
23 accountant performing the annual or biennial audit required pursuant to
24 section 9-481 shall attest to the expenditure limitation reports and
25 financial statements for towns.
26 E. The governing body of each political subdivision shall provide
27 to the auditor general by July 31 each year the name of the chief fiscal
28 officer designated by the governing body of the political subdivision to
29 officially submit the current fiscal year's expenditure limitation report
30 on behalf of the governing body. The governing body of the political
31 subdivision shall notify the auditor general of any changes of individuals
32 designated to file the required reports. The designated chief fiscal
33 officer shall certify to the accuracy of the annual expenditure limitation
34 report.
35 F. The auditor general shall prescribe forms for the uniform
36 reporting system and may provide assistance to individuals, certified
37 public accountants or public accountants responsible for attesting to the
38 expenditure limitation reports and financial statements.
39 G. Each political subdivision, subject to the expenditure
40 limitations prescribed by article IX, sections 20 and 21, Constitution of
41 Arizona, shall comply with the uniform expenditure reporting system,
42 instructions and forms prescribed by the auditor general. The auditor
43 general may notify the committee and the attorney general if any political
44 subdivision does not comply with the uniform expenditure reporting system,
45 instructions or forms prescribed by the auditor general. The attorney

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1 general may file a petition for special action in any court of competent
2 jurisdiction to compel any political subdivision to comply with this
3 section. The attorney general may apply for injunctive relief in any
4 court of competent jurisdiction to enjoin any political subdivision from
5 violating this section. Injunctive and special action proceedings are in
6 addition to all other penalties and other remedies prescribed by law.
7 H. A chief fiscal officer, designated pursuant to subsection E of
8 this section, who subsequent to July 1, 1983, refuses to file the reports
9 required by this section within the prescribed time periods or who
10 intentionally files erroneous reports is guilty of a class 1 misdemeanor.
11 A city or town exceeding the expenditure limitation prescribed or
12 authorized pursuant to article IX, section 20, Constitution of Arizona,
13 for any fiscal year, without authorization pursuant to such section, shall
14 have the amount specified in subsection I of this section of its
15 allocations of the state income tax, distributed pursuant to section
16 43-206, withheld and redistributed to other cities and towns in the same
17 manner as determined pursuant to that section, except that the population
18 of the city or town exceeding the expenditure limitation shall not be
19 included in the computation, and the city or town exceeding the
20 expenditure limitation shall not be entitled to share in the
21 redistribution. A community college district exceeding the expenditure
22 limitation prescribed pursuant to article IX, section 21, Constitution of
23 Arizona, for any fiscal year, without authorization pursuant to such
24 section or section 15-1471, shall have the amount specified in subsection
25 I of this section of its allocations of state aid, distributed pursuant to
26 section 15-1466, withheld.
27 I. The auditor general shall hold a hearing to determine if any
28 political subdivision has exceeded the expenditure limitations prescribed
29 pursuant to article IX, sections 20 and 21, Constitution of Arizona. If a
30 county has exceeded the expenditure limitations prescribed pursuant to
31 article IX, section 20, Constitution of Arizona, without authorization
32 pursuant to that section, the auditor general shall notify the board of
33 supervisors of the county to reduce the allowable levy of primary property
34 taxes of the county pursuant to section 42-17051, subsection C. If any
35 political subdivision other than a county has exceeded the expenditure
36 limitations prescribed pursuant to article IX, sections 20 and 21,
37 Constitution of Arizona, without authorization, the auditor general shall
38 notify the state treasurer to withhold a portion of the political
39 subdivision's allocations of the revenues described in subsection H of
40 this section for the fiscal year subsequent to the auditor general's
41 hearing as follows:
42 1. If the excess expenditures are less than five percent of the
43 limitation, an amount equal to the excess expenditures.

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1 2. If the excess expenditures are equal to or greater than five
2 percent but less than ten percent of the limitation, or are less than five
3 percent of the limitation but it is at least the second consecutive
4 instance of excess expenditures, an amount equal to triple the excess
5 expenditures.
6 3. If the excess expenditures are equal to or greater than ten
7 percent of the limitation, an amount equal to five times the excess
8 expenditures or one-third of the allocation of the revenues described in
9 subsection H of this section, whichever is less.
10 J. A county, city or town is not deemed to have exceeded the
11 expenditure limitation if the county, city or town makes expenditures for
12 capital improvements from utility revenues pursuant to title 9, chapter 5,
13 article 3 or from excise taxes levied by the county, city or town for a
14 specific purpose and the county, city or town repays the expenditure from
15 the proceeds of bonds or other lawful long-term obligations before the
16 hearing required by subsection I of this section.
17 Sec. 8. Heading change
18 The article heading of title 41, chapter 7, article 10.2, Arizona
19 Revised Statutes, is changed from "POST AUDIT OF COUNTIES, COMMUNITY
20 COLLEGE DISTRICTS AND SCHOOL DISTRICTS" to "POSTAUDIT OF COUNTIES,
21 COMMUNITY COLLEGE DISTRICTS AND SCHOOL DISTRICTS".
22 Sec. 9. Section 41-1279.21, Arizona Revised Statutes, is amended to
23 read:
24 41-1279.21. Powers and duties of auditor general relating to
25 counties, school districts and community
26 colleges
27 A. In addition to other powers and duties prescribed by law, the
28 auditor general shall:
29 1. Conduct or cause to be conducted annual financial and compliance
30 STATEMENT audits of financial transactions and accounts kept by or for all
31 counties. FOR A COUNTY THAT IS REQUIRED TO COMPLY WITH THE FEDERAL SINGLE
32 AUDIT REQUIREMENTS, AUDITS SHALL INCLUDE COMPLIANCE AUDITS OF FINANCIAL
33 TRANSACTIONS AND APPLICABLE ACCOUNTS KEPT BY OR FOR THE COUNTY. THE
34 AUDITS SHALL BE CONDUCTED IN ACCORDANCE WITH GENERALLY ACCEPTED
35 GOVERNMENTAL AUDITING STANDARDS AND, ACCORDINGLY, SHALL INCLUDE TESTS OF
36 THE ACCOUNTING RECORDS AND OTHER AUDITING PROCEDURES AS MAY BE CONSIDERED
37 NECESSARY UNDER THE CIRCUMSTANCES. Each county shall provide financial
38 information for inclusion in the annual audit that verifies that ARIZONA
39 highway user revenue fund monies received by the county pursuant to title
40 28, chapter 18, article 2 and any other dedicated state transportation
41 revenues received by the county are being used solely for the authorized
42 transportation purposes.
43 2. Perform procedural reviews for school districts that are not
44 required to comply with the FEDERAL single audit act of 1984 (P.L. 98-502)
45 REQUIREMENTS at times determined by the auditor general. These reviews

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1 may include evaluation of administrative and accounting internal controls
2 and reports on such reviews.
3
4 3. Conduct or cause to be conducted annual FINANCIAL STATEMENT
5 audits of financial transactions and accounts kept by or for community
6 college districts. FOR A COMMUNITY COLLEGE DISTRICT THAT IS REQUIRED TO
7 COMPLY WITH THE FEDERAL SINGLE AUDIT REQUIREMENTS, AUDITS SHALL INCLUDE
8 COMPLIANCE AUDITS OF FINANCIAL TRANSACTIONS AND APPLICABLE ACCOUNTS KEPT
9 BY OR FOR THE COMMUNITY COLLEGE DISTRICT. THE AUDITS SHALL BE CONDUCTED
10 IN ACCORDANCE WITH GENERALLY ACCEPTED GOVERNMENTAL AUDITING STANDARDS AND,
11 ACCORDINGLY, SHALL INCLUDE TESTS OF THE ACCOUNTING RECORDS AND OTHER
12 AUDITING PROCEDURES AS MAY BE CONSIDERED NECESSARY UNDER THE
13 CIRCUMSTANCES.
14 4. Approve contracts for financial and compliance auditing services
15 except if specific statutory authority is otherwise provided. The auditor
16 general shall ensure that such contract audits are conducted in accordance
17 with generally accepted governmental auditing standards and shall
18 determine if such audits meet minimum audit standards prescribed by the
19 auditor general. An audit shall not be accepted as meeting the
20 requirements of this paragraph until it has been approved by the auditor
21 general.
22 5. Order and enforce a correct and uniform system of accounting by
23 county, community college district and school district officers and
24 instruct them in the proper mode of keeping accounts of their offices.
25 6. Require of county treasurers and custodians of county, community
26 college district or school district funds, as often as the auditor general
27 deems necessary, a verified statement of their accounts.
28 7. Report to the committee and to the attorney general the refusal
29 or neglect of any county, community college district or school district
30 officer to conform to rules and regulations of the auditor general's
31 office.
32 8. Report to the committee and to the governor the result of the
33 auditor general's examinations of county, community college district and
34 school district offices as often as required by public interest.
35 B. The auditor general may adopt rules providing for disapproving
36 contracts, and suspending or debarring any contractor providing financial
37 and compliance auditing services to a school district based upon ON
38 applicable standards similar to those adopted by this state under section
39 41-2613.
40 C. Notwithstanding any other law, the disapproval of a contract or
41 the suspension or debarment may be appealed to the superior court pursuant
42 to title 12, chapter 7, article 6.
43 Sec. 10. Repeal
Section 41-1279.22, Arizona Revised Statutes, is repealed.

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1 Sec. 11. Section 41-2954, Arizona Revised Statutes, is amended to
2 read:
3 41-2954. Committees of reference: performance, review reports;
4 hearings; recommendations; subpoena powers;
5 definitions
6 A. Each standing committee of both legislative houses shall
7 constitute a committee of reference in the committee's respective subject
8 matter areas and the committee's respective house.
9 B. After receipt of the preliminary sunset review report, each
10 committee of reference or each committee of reference meeting jointly
11 shall hold at least one public hearing when the legislature is not in
12 session or before the third Friday in January to receive testimony from
13 the public and from the officials of the agency involved. The agency
14 involved shall prepare a presentation for the first public meeting that
15 addresses the elements of the written statement required by subsection G
16 of this section.
17 C. Each committee of reference shall hold public hearings for the
18 following purposes:
19 1. To determine the actual need of the agency to regulate or direct
20 the particular activity.
21 2. To determine the extent to which the statutory requirements of
22 the agency are necessary and are being met.
23 3. To receive testimony from the public as to the relationship of
24 the agency with the public.
25 4. To receive testimony from the executive director or other head
26 of the agency as to reasons for the continuation of the agency.
27 D. Each committee of reference shall consider but not be limited to
28 the following factors in determining the need for continuation or
29 termination of each agency:
30 1. The objective and purpose key statutory objectives and purposes
31 in establishing the agency and the extent to which the objective and
32 purpose are met by private enterprises in other states.
33 2. The extent to which the agency has met its statutory objective
34 and purpose and the efficiency with which it has operated AGENCY'S
35 EFFECTIVENESS AND EFFICIENCY IN FULFILLING ITS KEY STATUTORY OBJECTIVES
36 AND PURPOSES.
37 3. The extent to which the agency serves the entire state rather
38 than specific interests AGENCY'S KEY STATUTORY OBJECTIVES AND PURPOSES
39 DUPLICATE THE OBJECTIVES AND PURPOSES OF OTHER GOVERNMENTAL AGENCIES OR
40 PRIVATE ENTERPRISES.
41 4. The extent to which rules adopted by the agency are consistent
42 with the legislative mandate.
43 5. The extent to which the agency has encouraged input from the
44 public before adopting its rules and the extent to which it has informed
45 the public as to its actions and the expected impact on the public

1 PROVIDED APPROPRIATE PUBLIC ACCESS TO RECORDS, MEETINGS AND RULEMAKINGS,
2 INCLUDING SOLICITING PUBLIC INPUT IN MAKING RULES AND DECISIONS.
3
4 ~~6. The extent to which the agency has been able to investigate and~~
5 ~~resolve timely INVESTIGATED AND RESOLVED complaints that are within its~~
6 ~~jurisdiction and the ability of the agency to timely investigate and~~
7 ~~resolve complaints within its jurisdiction.~~
8 7. The extent to which the attorney general or any other applicable
9 agency of state government has the authority to prosecute actions under
10 the enabling regulation LEVEL OF REGULATION EXERCISED BY THE AGENCY IS
11 APPROPRIATE AS COMPARED TO OTHER STATES OR BEST PRACTICES, OR BOTH.
12 8. The extent to which agencies have addressed deficiencies in
13 their enabling statutes that prevent them from fulfilling their statutory
14 mandate THE AGENCY HAS ESTABLISHED SAFEGUARDS AGAINST POSSIBLE CONFLICTS
15 OF INTEREST.
16 9. The extent to which changes are necessary in the laws of FOR the
17 agency to adequately comply with the factors listed in this subsection
18 MORE EFFICIENTLY AND EFFECTIVELY FULFILL ITS KEY STATUTORY OBJECTIVES AND
19 PURPOSES OR TO ELIMINATE STATUTORY RESPONSIBILITIES THAT ARE NO LONGER
20 NECESSARY.
21 10. The extent to which the termination of the agency would
22 significantly affect the public health, safety or welfare.
23 11. The extent to which the level of regulation exercised by the
24 agency compares to other states and is appropriate and whether less or
25 more stringent levels of regulation would be appropriate.
26 12. The extent to which the agency has used private contractors in
27 the performance of its duties as compared to other states and how more
28 effective use of private contractors could be accomplished.
29 13. The extent to which the agency potentially creates unexpected
30 negative consequences that might require additional review by the
31 committee of reference, including increasing the price of goods, affecting
32 the availability of services, limiting the abilities of individuals and
33 businesses to operate efficiently and increasing the cost of government.
34 E. Each committee of reference that reviews an agency that
35 administers an occupational regulation as defined in section 41-3501 shall
36 consider but not be limited to the following factors in determining the
37 need for continuation or termination of each agency:
38 1. The extent to which the occupational regulation meets the
39 requirements of section 41-3502.
40 2. The extent to which failure to regulate a profession or
41 occupation will result in:
42 (a) The loss of insurance.
43 (b) An impact to the ability to practice in other states or as
44 required by federal law.
45 (c) An impact to the required licensure or registration with the
federal government.

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1 (d) The loss of constitutionally afforded practices.
2 F. The committee of reference shall deliver the final sunset review
3 report of its recommendations to the president of the senate, the speaker
4 of the house of representatives, the governor, the auditor general and the
5 affected agency on or before the third Friday in January. The
6 recommendations shall include one or more of the following:
7 1. That the state agency be continued.
8 2. That the state agency be revised or consolidated.
9 3. That the state agency be terminated pursuant to this chapter.
10 4. If the state agency administers an occupational regulation as
11 defined in section 41-3501, that the legislature:
12 (a) Repeal the occupational or professional license.
13 (b) Convert the occupational or professional license to a less
14 restrictive regulation as defined in section 41-3501.
15 (c) Instruct the state agency to seek legislation or adopt rules to
16 reflect the committee of reference's recommendation to:
17 (1) Impose less restrictive regulations than occupational or
18 professional licenses, as defined in section 41-3501.
19 (ii) Change the requisite personal qualifications of an
20 occupational or professional license.
21 (iii) Redefine the scope of practice in an occupational or
22 professional license.
23 G. The final sunset review report by each committee of reference
24 shall also include a written statement prepared by the agency involved
25 that contains AN ASSESSMENT OF:
26 1. An identification of the problem or the needs that the agency is
27 intended to address.
28 2. A statement, to the extent practicable, in quantitative and
29 qualitative terms, of the objectives of such agency and its anticipated
30 accomplishments.
31 3. An identification of any other agencies having similar,
32 conflicting or duplicate objectives, and an explanation of the manner in
33 which the agency avoids duplication or conflict with other such agencies.
34 1. THE EXTENT TO WHICH THE AGENCY POTENTIALLY CREATES UNEXPECTED
35 NEGATIVE CONSEQUENCES THAT MAY REQUIRE ADDITIONAL REVIEW BY THE COMMITTEE
36 OF REFERENCE, INCLUDING INCREASING THE PRICE OF GOODS, AFFECTING THE
37 AVAILABILITY OF SERVICES, LIMITING THE ABILITIES OF INDIVIDUALS AND
38 BUSINESSES TO OPERATE EFFICIENTLY AND INCREASING THE COST OF GOVERNMENT.
39 2. THE EXTENT TO WHICH THE AGENCY HAS ADDRESSED DEFICIENCIES IN ITS
40 ENABLING STATUTES.
41 3. THE EXTENT TO WHICH THE AGENCY HAS DETERMINED WHETHER THE
42 ATTORNEY GENERAL OR ANY OTHER AGENCY IN THIS STATE HAS THE AUTHORITY TO
43 PROSECUTE OR INITIATE ACTIONS.
44 4. ~~An assessment of~~ The consequences of eliminating the agency or
45 of consolidating it with another agency.

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1 H. Each committee of reference shall oversee the preparation of any
2 proposed legislation to implement the recommendations of that committee of
3 reference and is responsible for the introduction of such legislation.
4 I. If an agency is continued, it is not necessary to reappoint any
5 member of the governing board or commission of the agency. Such members
6 are eligible to complete their original terms without reappointment or
7 reconfirmation.
8 J. Each committee of reference shall have the power of legislative
9 subpoena pursuant to chapter 7, article 4 of this title.
10 K. FOR THE PURPOSES OF THIS SECTION, "LESS RESTRICTIVE REGULATION",
11 "OCCUPATIONAL OR PROFESSIONAL LICENSE" AND "PERSONAL QUALIFICATIONS" HAVE
12 THE SAME MEANINGS PRESCRIBED IN SECTION 41-3501.

APPROVED BY THE GOVERNOR APRIL 12, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 12, 2023.

:Ad-dendum - 60

:Ad-dendum - 60

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(TEXT OF BILL BEGINS ON NEXT PAGE)

AMENDING SECTION 13-2310, ARIZONA REVISED STATUTES; RELATING TO FRAUDULENT SCHEMES AND ARTIFICES.

AN ACT

HOUSE BILL 2297

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

House Engrossed
fraudulent schemes; artifices; jurisdiction

H.B. 2297

1 Be it enacted by the Legislature of the State of Arizona:
2
3 read:
4 13-2310. Fraudulent schemes and artifices; classification;
5 jurisdiction; definition
6 A. ~~Any~~ A person who, pursuant to a scheme or artifice to defraud,
7 knowingly obtains any benefit by means of false or fraudulent pretenses,
8 representations, promises or material omissions is guilty of a class 2
9 felony.
10 B. Reliance on the part of any person shall not be a necessary
11 element of the offense described in subsection A of this section.
12 C. A person who is convicted of a violation of this section that
13 involved a benefit with a value of ~~one hundred thousand dollars~~ \$100,000
14 or more or the manufacture, sale or marketing of opioids is not eligible
15 for suspension of sentence, probation, pardon or release from confinement
16 on any basis except pursuant to section 31-233, subsection A or B until
17 the sentence imposed by the court has been served, the person is eligible
18 for release pursuant to section 41-1604.07 or the sentence is commuted.
19 D. This state shall apply the aggregation prescribed by section
20 13-1801, subsection B to violations of this section in determining the
21 applicable punishment.
22 E. IN A PROSECUTION FOR A VIOLATION OF THIS SECTION, THE STATE IS
23 NOT REQUIRED TO ESTABLISH THAT ALL OF THE ACTS THAT CONSTITUTE A VIOLATION
24 OF THIS SECTION OCCURRED IN THIS STATE OR WITHIN A SINGLE CITY, TOWN,
25 COUNTY OR LOCAL JURISDICTION OF THIS STATE. IT IS NOT A DEFENSE THAT NOT
26 ALL OF THE ACTS THAT CONSTITUTE A VIOLATION OF THIS SECTION OCCURRED IN
27 THIS STATE OR WITHIN A SINGLE CITY, TOWN, COUNTY OR LOCAL JURISDICTION OF
28 THIS STATE.
29 F. For the purposes of this section, "scheme or artifice to
30 defraud" includes a scheme or artifice to deprive a person of the
31 intangible right of honest services.

:Ad-dendum - 61

:Ad-dendum - 61

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(TEXT OF BILL BEGINS ON NEXT PAGE)

AMENDING SECTION 41-121, ARIZONA REVISED STATUTES; RELATING TO THE
SECRETARY OF STATE.

AN ACT

HOUSE BILL 2308

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

Senate Engrossed House Bill
secretary of state; election; refusal

H.B. 2308

1 Be it enacted by the Legislature of the State of Arizona:
2
3 read:
4 41 121. Duties
5 A. The secretary of state shall:
6 1. Receive bills and resolutions from the legislature, and perform
7 such other duties as devolve on the secretary of state by resolution of
8 the two houses or either of them.
9 2. Keep a register of and attest the official acts of the governor.
10 3. Act as custodian of the great seal of this state.
11 4. Affix the great seal, with the secretary of state's attestation,
12 to public instruments to which the official signature of the governor is
13 attached.
14 5. File in the secretary of state's office receipts for all books
15 distributed by the secretary of state and direct the county recorder of
16 each county to do the same.
17 6. Certify to the governor the names of those persons who have
18 received at any election the highest number of votes for any office, the
19 incumbent of which is commissioned by the governor.
20 7. Promptly chapter slip laws filed by the legislature,
21 electronically publish and maintain the bills, memorials and resolutions
22 posted on the secretary of state's website, make such acts available for a
23 reasonable fee to include the cost of printing and postage, provide each
24 house of the legislature and the legislative council with a certified copy
25 of each chaptered bill or resolution and transfer to the custody of the
26 Arizona state library, archives and public records all original paper
27 copies filed.
28 8. Keep a fee book of fees and compensation of whatever kind and
29 nature earned, collected or charged by the secretary of state, with the
30 date, the name of the payer and the nature of the service in each
31 case. The fee book shall be verified annually by the secretary of state's
32 affidavit entered in the fee book.
33 9. Perform other duties imposed on the secretary of state by law.
34 10. Report to the governor on January 2 each year, and at such
35 other times as provided by law, a detailed account of the secretary of
36 state's official actions taken since the secretary of state's previous
37 report together with a detailed statement of the manner in which all
38 appropriations for the secretary of state's office have been expended.
39 11. Transfer all noncurrent or inactive books, records, deeds and
40 other papers otherwise required to be filed with or retained by the
41 secretary of state to the custody of the Arizona state library, archives
42 and public records.
43 12. Accept electronic and digital signatures that comply with
44 section 18-106 for documents filed with and by all state agencies, boards
45 and commissions.

H.B. 2308

13. Meet at least annually with personnel from the federal voting
assistance office of the United States department of defense and with
county recorders and other county election officials in this state to
coordinate the delivery and return of registrations, ballot requests,
voted ballots and other election materials to and from absent uniformed
and overseas citizens.
14. EXCEPT FOR THE CONSTITUTIONAL DUTY TO CERTIFY THE STATEWIDE
CANVASS, NOT PERFORM PERSONALLY ANY ASPECT OF ELECTION OPERATIONS WHICH IS
CONDUCTED BY ELECTIONS DEPARTMENT STAFF IN THE OFFICE OF THE SECRETARY OF
STATE FOR AN ELECTION IN WHICH THE SECRETARY OF STATE IS A CANDIDATE.
B. The secretary of state may refuse to perform a service or refuse
a filing based on a reasonable belief that the service or filing is being
requested for an unlawful, illegitimate, false or fraudulent purpose or is
being requested or submitted in bad faith or for the purpose of harassing
or defrauding a person or entity. This subsection does not apply to
election filings.

:Ad-dendum - 62

:Ad-dendum - 62

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(TEXT OF BILL BEGINS ON NEXT PAGE)

AMENDING TITLE 1, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTION 1-273; RELATING TO LAW ENFORCEMENT AUTHORITY.

AN ACT

HOUSE BILL 2309

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

~~sovereign authority; law enforcement~~
(now: law enforcement; sovereign authority)

Senate Engrossed House Bill

H.B. 2309

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 1, chapter 2, article 4, Arizona Revised Statutes,
3 is amended by adding section 1-273, to read:
4 1-273. Sovereign authority; right
5 A. PURSUANT TO THE TENTH AMENDMENT TO THE UNITED STATES
6 CONSTITUTION AND ARTICLE II, SECTION 3, CONSTITUTION OF ARIZONA, IT IS THE
7 PUBLIC POLICY OF THIS STATE TO PROTECT THIS STATE'S SOVEREIGN AUTHORITY
8 AGAINST FEDERAL LAWS, TREATIES, ORDERS, RULES, REGULATIONS, ACTIONS AND
9 PROGRAMS THAT ARE INCONSISTENT WITH THE AUTHORITY OF STATE AND LOCAL LAW
10 ENFORCEMENT AGENCIES.
11 B. PURSUANT TO SECTION 41-193, ON DEMAND BY THE LEGISLATURE, EITHER
12 HOUSE OF THE LEGISLATURE OR ANY MEMBER OF THE LEGISLATURE, THE ATTORNEY
13 GENERAL SHALL RENDER A WRITTEN OPINION TO DETERMINE THE CONSTITUTIONALITY
14 OF ANY FEDERAL LAW, TREATY, ORDER, RULE, REGULATION, ACTION OR PROGRAM
15 THAT IS ALLEGED TO BE INCONSISTENT WITH OR CONTRARY TO THE AUTHORITY OF
16 STATE OR LOCAL LAW ENFORCEMENT AGENCIES.
17 C. THE LAWS OF THIS STATE SHALL BE INTERPRETED AND CONSTRUED TO
18 PROTECT THIS STATE'S SOVEREIGN AUTHORITY AGAINST FEDERAL ACTIONS,
19 INCLUDING IN ANY PROCEEDING IN WHICH THIS STATE OR ITS POLITICAL
20 SUBDIVISIONS ARE EXERCISING THEIR CONSTITUTIONAL AUTHORITY UNDER ARTICLE
21 II, SECTION 3, CONSTITUTION OF ARIZONA.
22 D. TO THE EXTENT THAT ANY LAW, TREATY, EXECUTIVE ORDER, RULE OR
23 REGULATION OF THE UNITED STATES GOVERNMENT HAS BEEN FOUND BY A COURT OF
24 COMPETENT JURISDICTION TO VIOLATE ARTICLE II, SECTION 3, CONSTITUTION OF
25 ARIZONA, OR THE TENTH AMENDMENT TO THE UNITED STATES CONSTITUTION, THE
26 LAW, TREATY, EXECUTIVE ORDER, RULE OR REGULATION IS NULL, VOID AND
27 UNENFORCEABLE IN THIS STATE.

:Ad-dendum - 63

:Ad-dendum - 63

(TEXT OF BILL BEGINS ON NEXT PAGE)

AMENDING SECTIONS 8-514.07, 8-821, 8-823, 8-824 AND 8-842, ARIZONA REVISED STATUTES; RELATING TO CHILD WELFARE.

AN ACT

CHAPTER 87
HOUSE BILL 2313

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

Senate Engrossed House Bill
child placement; relative search; notice.

Be it enacted by the Legislature of the State of Arizona:
Section 1. Section 8-514.07, Arizona Revised Statutes, is amended to read:
8-514.07. Kinship foster care: relative identification and notification; due diligence search
A. If a child is taken into temporary custody, as part of the ongoing search, the department shall use due diligence in an initial search to identify and notify adult relatives of the child and persons with a significant relationship with the child within thirty days after the child is taken into temporary custody.
B. THE SEARCH TO IDENTIFY ADULT RELATIVES OF THE CHILD OR PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD MUST INCLUDE:
1. AN INTERVIEW WITH THE CHILD'S PARENT.
2. AN INTERVIEW WITH THE CHILD.
3. INTERVIEWS WITH IDENTIFIED ADULT RELATIVES.
4. INTERVIEWS WITH OTHER PERSONS WHO ARE LIKELY TO HAVE INFORMATION REGARDING THE LOCATION OF ADULT RELATIVES OF THE CHILD OR PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD.
5. A COMPREHENSIVE SEARCH OF AVAILABLE RECORDS THAT ARE LIKELY TO HELP IDENTIFY AND LOCATE A PERSON BEING SOUGHT, INCLUDING:
(a) EMPLOYMENT RECORDS.
(b) VEHICLE REGISTRATION RECORDS.
(c) CHILD SUPPORT ENFORCEMENT RECORDS.
(d) UTILITY ACCOUNTS.
(e) PREVIOUS RESIDENTIAL ADDRESSES.
(f) LAW ENFORCEMENT RECORDS.
(g) STATE DEPARTMENT OF CORRECTIONS RECORDS.
6. THOROUGH INQUIRIES BY THE COURT OF THE PARTIES DURING CASE HEARINGS.
7. ANY OTHER MEANS THE DEPARTMENT DEEMS LIKELY TO IDENTIFY ADULT RELATIVES OF THE CHILD OR PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD.
C. WITHIN THIRTY DAYS AFTER THE CHILD IS TAKEN INTO TEMPORARY CUSTODY AND AT EACH SUBSEQUENT HEARING, the department shall file with the court information DOCUMENTATION regarding attempts made pursuant to ~~subsection A of this section~~ or as otherwise required by the court to identify and notify adult relatives of the child and persons with a significant relationship with the child. THIS DOCUMENTATION SHALL INCLUDE A DETAILED NARRATIVE EXPLAINING THE DEPARTMENT'S EFFORTS TO CONSIDER EACH POTENTIAL PLACEMENT AND THE SPECIFIC OUTCOME.
D. THE DEPARTMENT SHALL PROVIDE NOTICE TO ADULT RELATIVES OF THE CHILD AND PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD WHO ARE IDENTIFIED THROUGH THE SEARCH REQUIREMENTS OF THIS SECTION. THE NOTICE SHALL DO THE FOLLOWING:

H.8. . 2313

1 1. SPECIFY THAT THE CHILD HAS BEEN OR IS BEING REMOVED FROM THE
2 CHILD'S PARENTAL CUSTODY.
3 2. EXPLAIN THE OPTIONS AN ADULT RELATIVE OF THE CHILD OR A PERSON
4 WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD HAS TO PARTICIPATE IN THE
5 CARE OR PLACEMENT OF THE CHILD.
6 3. EXPLAIN THAT FINANCIAL ASSISTANCE AND OTHER FORMS OF SUPPORT ARE
7 AVAILABLE TO ADULT RELATIVES OF THE CHILD AND PERSONS WITH A SIGNIFICANT
8 RELATIONSHIP WITH THE CHILD WITH WHOM THE CHILD IS PLACED.
9 4. DESCRIBE THE PROCESS FOR BECOMING A LICENSED FOSTER PARENT AND
10 THE ADDITIONAL SERVICES AND SUPPORT THAT ARE AVAILABLE FOR CHILDREN PLACED
11 IN APPROVED FOSTER HOMES.
12 5. REQUIRE AN ADULT RELATIVE OF THE CHILD OR A PERSON WITH A
13 SIGNIFICANT RELATIONSHIP WITH THE CHILD TO RESPOND WITHIN THIRTY DAYS
14 AFTER RECEIVING NOTICE THAT THE CHILD HAS BEEN REMOVED FROM THE HOME.
15 E. IF THE CHILD IS NOT PLACED WITH AN ADULT RELATIVE OF THE CHILD
16 OR PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD OR THE CHILD IS
17 PLACED WITH AN ADULT RELATIVE OR PERSON WITH A SIGNIFICANT RELATIONSHIP
18 WITH THE CHILD WHO IS UNABLE OR UNWILLING TO PROVIDE PERMANENT PLACEMENT
19 FOR THE CHILD, THE DEPARTMENT SHALL CONTINUE TO CONDUCT AN ONGOING SEARCH
20 FOR ADULT RELATIVES OF THE CHILD OR PERSONS WITH A SIGNIFICANT
21 RELATIONSHIP WITH THE CHILD. THE DEPARTMENT SHALL ENGAGE IN SEARCH
22 EFFORTS IF ORDERED BY THE COURT, A CHANGE IN THE CHILD'S PLACEMENT OCCURS
23 OR A PARTY SHOWS THAT THE SEARCH IS IN THE BEST INTEREST OF THE CHILD.
24 F. THE DEPARTMENT SHALL FILE WITH THE COURT DOCUMENTATION OF BOTH
25 OF THE FOLLOWING:
26 1. THE COMPLETED DUE DILIGENCE SEARCH EFFORTS. THIS DOCUMENTATION
27 SHALL INCLUDE:
28 (a) THE NAMES OF AND RELEVANT INFORMATION ABOUT ADULT RELATIVES OF
29 THE CHILD OR PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD.
30 (b) STEPS TAKEN BY THE DEPARTMENT TO LOCATE AND CONTACT ADULT
31 RELATIVES OF THE CHILD OR PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH THE
32 CHILD.
33 (c) RESPONSES RECEIVED FROM ADULT RELATIVES OF THE CHILD OR PERSONS
34 WITH A SIGNIFICANT RELATIONSHIP WITH THE CHILD.
35 (d) DATES OF EACH ATTEMPTED OR COMPLETED CONTACT WITH AN ADULT
36 RELATIVE OF THE CHILD OR A PERSON WITH A SIGNIFICANT RELATIONSHIP WITH THE
37 CHILD.
38 (e) REASONS WHY AN ADULT RELATIVE OF THE CHILD OR A PERSON WITH A
39 SIGNIFICANT RELATIONSHIP WITH THE CHILD WAS NOT CONSIDERED FOR TEMPORARY
40 OR PERMANENT PLACEMENT OF THE CHILD.
41 2. ALL EFFORTS FOR PLACEMENT OF THE CHILD THROUGH AN INTERSTATE
42 COMPACT AGREEMENT PURSUANT TO SECTION 8-548. THIS DOCUMENTATION SHALL
43 INCLUDE:

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1 (a) THE NAMES OF ADULT RELATIVES OF THE CHILD OR PERSONS WITH A
2 SIGNIFICANT RELATIONSHIP WITH THE CHILD WHO WERE CONSIDERED FOR AN
3 INTERSTATE PLACEMENT.
4 (b) ANY PENDING PLACEMENT OF THE CHILD THROUGH AN INTERSTATE
5 COMPACT AGREEMENT.
6 (c) ALL POTENTIAL OUT-OF-STATE PLACEMENTS OUTSIDE OF AN INTERSTATE
7 COMPACT AGREEMENT AND THE REASONS SUCH PLACEMENTS HAVE NOT BEEN INITIATED.
8 G. IF AN OUT-OF-STATE PLACEMENT OPTION EXISTS AND THE DEPARTMENT
9 HAS FAILED TO FILE A REQUEST WITH THE RECEIVING STATE PURSUANT TO THE
10 REQUIREMENTS OF AN INTERSTATE COMPACT AGREEMENT PURSUANT TO SECTION 8-548,
11 THE COURT SHALL ENTER A FINDING THAT THE DEPARTMENT HAS NOT MADE A DUE
12 DILIGENCE SEARCH AND SHALL ORDER THE DEPARTMENT TO FILE A REQUEST WITH THE
13 RECEIVING STATE PURSUANT TO THE TERMS OF THE INTERSTATE COMPACT AGREEMENT.
14 Sec. 2. Section 8-821, Arizona Revised Statutes, is amended to
15 read:
16 8-821. Taking into temporary custody; medical examination;
17 placement; interference; violation; classification;
18 definition
19 A. A child shall be taken into temporary custody only pursuant to
20 one of the following:
21 1. An order of the superior court.
22 2. Subsection B or E of this section.
23 3. The consent of the child's parent or guardian.
24 B. The superior court, on a dependency petition filed by an
25 interested person, a peace officer, a child welfare investigator or a
26 child safety worker under oath or on a sworn statement or testimony by a
27 peace officer, a child welfare investigator or a child safety worker, may
28 issue an order authorizing the department to take temporary custody of a
29 child on finding that probable cause exists to believe that temporary
30 custody is clearly necessary to protect the child from suffering abuse or
31 neglect and it is contrary to the child's welfare to remain in the home.
32 C. If a child is taken into temporary custody pursuant to this
33 section, the child's sibling shall also be taken into temporary custody
34 only if independent probable cause exists to believe that temporary
35 custody is clearly necessary to protect the child from suffering abuse or
36 neglect.
37 D. IF A CHILD IS TAKEN INTO TEMPORARY CUSTODY PURSUANT TO THIS
38 SECTION, THE COURT SHALL ORDER THE DEPARTMENT TO INITIATE A DUE DILIGENCE
39 SEARCH PURSUANT TO SECTION 8-514.07.
40 B. E. A child may be taken into temporary custody without a court
41 order by a peace officer, a child welfare investigator or a child safety
42 worker if temporary custody is clearly necessary to protect the child
43 because exigent circumstances exist.
44 F. In determining if a child should be taken into temporary
45 custody, the court, peace officer, child welfare investigator or child

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1 safety worker shall take into consideration as a paramount concern the
2 child's health and safety.
3 ~~F. G.~~ A person who takes a child into custody because an exigent
4 circumstance described in subsection ~~K. L.~~ paragraph 2 of this section
5 exists shall immediately have the child examined by a physician who is
6 licensed pursuant to title 32, chapter 13 or 17 or a health care provider
7 who is licensed pursuant to title 32 and who has specific training in
8 evaluations of child abuse. After the examination the person shall
9 release the child to the custody of the parent or guardian of the child
10 unless the examination reveals abuse. Temporary custody of a child taken
11 into custody because an exigent circumstance described in subsection ~~K. L.~~
12 paragraph 2 of this section exists shall not exceed twelve hours.
13 ~~G. H.~~ A child who is taken into temporary custody pursuant to this
14 article shall not be held in a police station, jail or lockup where adults
15 or juveniles who are charged with or convicted of a crime are detained.
16 ~~H. I.~~ A child shall not remain in temporary custody for more than
17 seventy-two hours excluding Saturdays, Sundays and holidays unless a
18 dependency petition is filed.
19 ~~I. J.~~ To execute an order authorizing temporary custody, a peace
20 officer may use reasonable force to enter any building in which the person
21 named in the removal authorization is or is reasonably believed to be.
22 ~~J. K.~~ A person who knowingly interferes with the taking of a child
23 into temporary custody under this section is guilty of a class 2
24 misdemeanor.
25 ~~K. L.~~ For the purposes of this section, "exigent circumstances"
26 means there is probable cause to believe that the child is likely to
27 suffer serious harm in the time it would take to obtain a court order for
28 removal and either of the following is true:
29 1. There is no less intrusive alternative to taking temporary
30 custody of the child that would reasonably and sufficiently protect the
31 child's health or safety.
32 2. Probable cause exists to believe that the child is a victim of
33 sexual abuse or abuse involving serious physical injury that can be
34 diagnosed only by a physician who is licensed pursuant to title 32,
35 chapter 13 or 17 or a health care provider who is licensed pursuant to
36 title 32 and who has specific training in evaluations of child abuse.
37 Sec. 3. Section 8-823, Arizona Revised Statutes, is amended to
38 read:
39 8-823. Notice of taking into temporary custody
40 A. If a child is taken into temporary custody pursuant to this
41 article, the interested person, peace officer or child safety worker
42 taking the child into custody shall provide written notice within six
43 hours to the parent or guardian of the child, unless:
44 1. The parent or guardian is present when the child is taken into
45 custody, then written and verbal notice shall be provided immediately.

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1 2. The residence of the parent or guardian is outside this state
2 and notice cannot be provided within six hours, then written notice shall
3 be provided within twenty-four hours.
4 3. The residence of the parent or guardian is not ascertainable,
5 then reasonable efforts shall be made to locate and notify the parent or
6 guardian of the child as soon as possible.
7 B. The written notice shall contain a signature line for the parent
8 or guardian to acknowledge receipt of both written and verbal notices.
9 The written and verbal notices shall contain the name of the person and
10 agency taking the child into custody, the location from which the child
11 was taken and all of the following information:
12 1. Specific reasons as to why the child is being removed. The
13 notice shall list the specific factors that caused the determination of
14 imminent danger.
15 2. Services that are available to the parent or guardian, including
16 a statement of parental rights and information on how to contact the
17 ombudsman-citizens aide's office and an explanation of the services that
18 office offers.
19 3. The date and time of the taking into custody.
20 4. The name and telephone number of the agency responsible for the
21 child.
22 5. A statement of the reasons for temporary custody of the child.
23 6. A statement that the child must be returned within seventy-two
24 hours excluding Saturdays, Sundays and holidays unless a dependency
25 petition is filed and a statement that a child in temporary custody for
26 examination ~~pursuant to~~ BECAUSE AN EXIGENT CIRCUMSTANCE DESCRIBED IN
27 section 8-821, subsection B- L, paragraph 2 EXISTS must be returned within
28 twelve hours unless abuse or neglect is diagnosed.
29 7. One of the following:
30 (a) If a dependency petition has not been filed or if the
31 information prescribed in subdivision (b) is not available, a statement
32 that if a dependency petition is filed, the parent or guardian will be
33 provided a written notice ~~no~~ NOT later than twenty-four hours after the
34 petition is filed that contains the information prescribed in
35 subdivision (b).
36 (b) In all other cases, the date, time and place of the preliminary
37 protective hearing to be held pursuant to section 8-824 and the
38 requirements of subsection D of this section.
39 8. A statement of the right of the parent or guardian to counsel
40 and that counsel will be appointed pursuant to section 8-221 through the
41 juvenile court if a dependency petition is filed and the person is
42 indigent.
43 9. Information regarding the ability of the person about whom the
44 report was made to provide a verbal, telephonic or written response to the
45 allegations. A verbal response shall be included in the written report of

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1 the investigation. A written response, including any documentation, shall
2 be included in the case file.
3 10. A statement that the hearing may result in further proceedings
4 to terminate parental rights.
5 11. A statement that the parent or guardian must immediately provide
6 to the department the names, the type of relationship and all available
7 information necessary to locate persons who are related to the child or
8 who have a significant relationship with the child. If there is not
9 sufficient information available to locate a relative or person with a
10 significant relationship with the child, the parent shall inform the
11 department of this fact. If the parent or guardian obtains information
12 regarding the existence or location of a relative or person with a
13 significant relationship with the child, the parent or guardian shall
14 immediately provide that information to the department.
15 12. A statement that the parent or guardian must be prepared to
16 provide to the court at the preliminary protective hearing the names, the
17 type of relationship and all available information necessary to locate
18 persons who are related to the child or who have a significant
19 relationship with the child.
20 C. The child safety worker shall provide the parent or guardian
21 with the notice even if the parent or guardian refuses to sign the
22 acknowledgment.
23 D. Immediately before the time of the preliminary protective
24 hearing, the persons described in section 8-824, subsection B shall meet
25 and attempt to reach an agreement about placement of the child, services
26 to be provided to the child, parent or guardian and visitation of the
27 child. The parties shall meet with their counsel, if any, before this
28 meeting. Consideration shall be given to the availability of reasonable
29 services to the parent or guardian and the child's health and safety shall
30 be a paramount concern. The persons described in section 8-824,
31 subsection C may attend the meeting to reach an agreement.
32 E. If a dependency petition is filed by the department, the child
33 safety worker is responsible for delivering the notice of the preliminary
34 protective hearing prescribed in subsection B, paragraph 7 of this section
35 to the parent or guardian. In all other cases, the person who files the
36 dependency petition is responsible for delivery of this notice to the
37 parent or guardian. If the location of the parent or guardian is unknown,
38 the person who is responsible for serving this notice shall make
39 reasonable efforts to locate and notify the parent or guardian.
40 Sec. 4. Section 8-824, Arizona Revised Statutes, is amended to
41 read:
42 8-824. Preliminary protective hearing; probable cause;
43 appointment of counsel
44 A. The court shall hold a preliminary protective hearing to review
45 the taking into temporary custody of a child pursuant to section 8-821 not

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1 fewer than five days nor more than seven days after the child is taken
2 into custody, excluding Saturdays, Sundays and holidays. If clearly
3 necessary to prevent abuse or neglect, to preserve the rights of a party
4 or for other good cause shown, the court may grant one continuance that
5 does not exceed five days.
6 B. The following persons shall be present at the preliminary
7 protective hearing:
8 1. The child's parents or guardian, unless they cannot be located
9 or they fail to appear in response to the notice.
10 2. Counsel for the parents if one has been requested or retained.
11 3. The child's guardian ad litem or attorney.
12 4. The child safety worker and additional representatives of the
13 department if requested by the department.
14 5. Counsel for the child safety worker.
15 C. If the court finds that it is in the best interests of the
16 child, the court may allow the following to be present at the preliminary
17 protective hearing:
18 1. The child.
19 2. Any relative or other interested person with whom the child is
20 or might be placed as described in section 8-845, subsection A.
21 3. Witnesses called by the parties.
22 4. An advocate or interested person as requested by the parent or
23 guardian.
24 5. Other persons who have knowledge of or an interest in the
25 welfare of the child.
26 D. At the hearing, the court shall advise the parent or guardian of
27 the following rights:
28 1. The right to counsel, including appointed counsel if the parent
29 or guardian is indigent.
30 2. The right to cross-examine all witnesses who are called to
31 testify against the parent or guardian.
32 3. The right to trial by court on the allegations in the petition.
33 4. The right to use the process of the court to compel the
34 attendance of witnesses.
35 E. At the hearing, the court:
36 1. Shall receive a report of any agreement reached pursuant to
37 section 8-823, subsection D. The report may be made orally.
38 2. Shall provide an opportunity for the child's parent or guardian,
39 if present, and any other person who has relevant knowledge, to provide
40 relevant testimony.
41 3. May limit testimony and evidence that is beyond the scope of the
42 removal of the child, the child's need for continued protection,
43 placement, visitation and services to be provided to the child and family.

1 4. May take into consideration as a mitigating factor the
2 participation of the parent or guardian in the healthy families program
3 established by section 8-481.
4 5. Shall take into consideration as a mitigating factor the
5 availability of reasonable services to the parent or guardian to prevent
6 or eliminate the need for removal of the child and the effort of the
7 parent or guardian to obtain and participate in these services.
8 6. Shall inform the child's parent or guardian that the hearing may
9 result in further proceedings to terminate parental rights.
10 7. Shall order the parent or guardian to provide the court with the
11 names, the type of relationship and all available information necessary to
12 locate persons who are related to the child or who have a significant
13 relationship with the child. If there is not sufficient information
14 available to locate a relative or person with a significant relationship
15 with the child, the parent or guardian shall inform the court of this
16 fact. The court shall further order the parent or guardian to inform the
17 department immediately if the parent or guardian becomes aware of
18 information related to the existence or location of a relative or person
19 with a significant relationship to the child.
20 8. Shall inform the parent that substantially neglecting or
21 willfully refusing to remedy the circumstances that cause the child to be
22 in an out-of-home placement, including refusing to participate in
23 reunification services, is grounds for termination of parental rights to a
24 child.
25 9. Shall give paramount consideration to the health and safety of
26 the child.
27 10. Shall determine whether the department is attempting to
28 identify and assess placement of the child with a grandparent or another
29 member of the child's extended family including a person who has a
30 significant relationship with the child.
31 11. Shall inform a foster parent, a preadoptive parent or a member
32 of the child's extended family with whom the department has placed the
33 child of the right to be heard in any proceeding to be held with respect
34 to the child.
35 F. The petitioner has the burden of presenting evidence as to
36 whether there is probable cause to believe that continued temporary
37 custody is clearly necessary to prevent abuse or neglect pending the
38 hearing on the dependency petition.
39 G. The department must make reasonable efforts to place a child
40 with siblings and, if that is not possible, to maintain frequent
41 visitation or other ongoing contact between all siblings.
42 H. If the child is in the temporary custody of the department, the
43 department shall submit not later than the day before the hearing a
44 written report to the court and the parties that states:

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1 The reasons the child was removed from the parent's or
2 guardian's custody.
3 2. Any services that have been provided to the child or the child's
4 parent or guardian to prevent removal.
5 3. The need, if any, for continued temporary custody.
6 4. The types of service needed to facilitate the return of the
7 child to the custody of the child's parents or guardian.
8 5. If the child is not placed with a grandparent, whether the child
9 has any relatives or other interested parties as described in section
10 8-845, subsection A who may be able and willing to take temporary custody.
11 6. Any services that are requested by the parent or guardian but
12 that are not provided and the reasons the services were not provided.
13 7. What efforts the department has made to place siblings together,
14 and if they are not placed together, the specific reasons why this did not
15 occur.
16 8. If the placement of siblings together was not possible for all
17 or any of the siblings, efforts the department has made to facilitate
18 communications among siblings and a proposal for frequent visitation or
19 contact pursuant to subsection 6 of this section. If frequent visitation
20 or contact with siblings is not recommended, the department shall state
21 the reasons why this would be contrary to the child's or a sibling's
22 safety or well-being.
23 9. A proposal for visitation with the child's parents or guardian
24 and the results of any visitation that has occurred since the child was
25 removed. The requirements of this paragraph do not apply to a specific
26 parent or guardian if there is a court order relating to a criminal case
27 that prohibits that parent or guardian from contact with the child.
28 Before the department allows visitation it must first determine that there
29 are no court orders relating to any superior court criminal case that
30 prohibit the parent or guardian from contact with the child.
31 10. A proposed case plan for services to the family.
32 11. THE DEPARTMENT'S EFFORTS TO IDENTIFY, NOTIFY AND ASSESS ADULT
33 RELATIVES OF THE CHILD AND PERSONS WITH A SIGNIFICANT RELATIONSHIP WITH
34 THE CHILD PURSUANT TO SECTION 8-514.07.
35 1. The parent or guardian shall state whether the parent or
36 guardian admits or denies the allegations in the petition filed pursuant
37 to section 8-841. If the parent or guardian admits or does not contest
38 the allegations in the petition, the court shall determine that the parent
39 or guardian understands the rights described in subsection D of this
40 section and that the parent or guardian knowingly, intelligently and
41 voluntarily waives these rights.
42 J. At the hearing, if the child is not returned to the parent or
43 guardian, the court shall:
44 1. Enter orders regarding the placement of the child pending the
45 determination of the dependency petition and visitation, if any.

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1 2. If a relative is identified as a possible placement for the
2 child, notify the relative of the right to be heard in any proceeding to
3 be held with respect to the child.
4 3. Determine if the tasks and services set forth in the case plan
5 are reasonable and necessary to carry out the case plan.
6 Sec. 5. Section 8-842, Arizona Revised Statutes, is amended to
7 read:
8 8-842. Initial dependency hearing: deadlines
9 A. Except as provided in section 8-826, the court shall set the
10 initial dependency hearing within twenty-one days after the petition is
11 filed. If service by publication is required, the court may set an
12 initial dependency hearing within a time period to allow for publication
13 pursuant to the rules of procedure for the juvenile court.
14 B. At the initial dependency hearing, the court shall:
15 1. Order DETERMINE IF the parent or guardian to provide IS
16 PROVIDING the court AND THE DEPARTMENT with the names, the type of
17 relationship and all available information necessary to locate persons who
18 are related to the child or who have a significant relationship with the
19 child. If there is not sufficient information available to locate a
20 relative or person with a significant relationship with the child, the
21 parent or guardian shall inform the court of that fact. The court shall
22 order the parent or guardian to inform the department immediately if the
23 parent or guardian becomes aware of information related to the existence
24 or location of a relative or person with a significant relationship with
25 the child.
26 2. Determine that the department is CONDUCTING A DUE DILIGENCE
27 SEARCH PURSUANT TO SECTION 8-514.07 AND attempting to identify and assess
28 placement of the child with a grandparent or another member of the child's
29 extended family including a person who has a significant relationship with
30 the child.
31 3. If the child has siblings, determine that the department is
32 attempting to identify and assess placement of the child with the child's
33 siblings if this is possible and is in the child's best interests.
34 C. Unless the court has ordered in-home intervention, the
35 dependency adjudication hearing shall be completed within ninety days
36 after service of the dependency petition.

APPROVED BY THE GOVERNOR APRIL 18, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2023.

:Ad-dendum - 64

:Ad-dendum - 64

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(TEXT OF BILL BEGINS ON NEXT PAGE)

AMENDING SECTION 1-272, ARIZONA REVISED STATUTES: RELATING TO FIREARMS.

AN ACT

HOUSE BILL 2394

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

House Engrossed
firearms: sovereign authority

H.B. 2394

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 1-272, Arizona Revised Statutes, is amended to
3 read:
4 1-272. Sovereign authority: right of the people to keep and
5 bear arms
6 Pursuant to the sovereign authority of this state and article II,
7 section 3, Constitution of Arizona, this state and all political
8 subdivisions of this state are prohibited from using any personnel or
9 financial resources to enforce, administer or cooperate with any act, law,
10 treaty, order, rule or regulation of the United States government that is
11 inconsistent with any law of this state regarding the regulation of
12 firearms, including any tax, levy, fee or stamp imposed on firearms,
13 firearm accessories or ammunition not common to all other goods and
14 services and that might reasonably be expected to create a chilling effect
15 on the purchase or ownership of those items by law-abiding citizens.

:Ad-dendum - 65

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(TEXT OF BILL BEGINS ON NEXT PAGE)

AMENDING SECTIONS 8-821 AND 13-3620, ARIZONA REVISED STATUTES: RELATING TO CHILD ABUSE.
AN ACT

HOUSE BILL 2516
CHAPTER 155

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

Senate Engrossed House Bill
child abuse; investigations; forensic interview

H.B. 2516

Be it enacted by the Legislature of the State of Arizona: 1
2
3 read: 4
5 8-821. Taking into temporary custody; medical examination; 6
7 forensic interview; placement; interference; 7
8 A. A child shall be taken into temporary custody only pursuant to 8
9 one of the following: 9
10 1. An order of the superior court. 10
11 2. Subsection D of this section. 11
12 3. The consent of the child's parent or guardian. 12
13 B. The superior court, on a dependency petition filed by an 13
14 interested person, a peace officer, a child welfare investigator or a 14
15 child safety worker under oath or on a sworn statement or testimony by a 15
16 peace officer, a child welfare investigator or a child safety worker, may 16
17 issue an order authorizing the department to take temporary custody of a 17
18 child on finding that probable cause exists to believe that temporary 18
19 custody is clearly necessary to protect the child from suffering abuse or 19
20 neglect and it is contrary to the child's welfare to remain in the home. 20
21 C. If a child is taken into temporary custody pursuant to this 21
22 section, the child's sibling shall also be taken into temporary custody 22
23 only if independent probable cause exists to believe that temporary 23
24 custody is clearly necessary to protect the child from suffering abuse or 24
25 neglect. 25
26 D. A child may be taken into temporary custody without a court 26
27 order by a peace officer, a child welfare investigator or a child safety 27
28 worker if temporary custody is clearly necessary to protect the child 28
29 because exigent circumstances exist. 29
30 E. In determining if a child should be taken into temporary 30
31 custody, the court, peace officer, child welfare investigator or child 31
32 safety worker shall take into consideration as a paramount concern the 32
33 child's health and safety. 33
34 F. A person who takes a child into custody because an exigent 34
35 circumstance described in subsection K, paragraph 2 of this section exists 35
36 shall immediately have the child forensically interviewed by a person who 36
37 is trained in forensic interviewing pursuant to a protocol established 37
38 pursuant to SECTION 8-817 AND MAY have the child examined by a physician 38
39 who is licensed pursuant to title 32, chapter 13 or 17 or a health care 39
40 provider who is licensed pursuant to title 32 and who has specific 40
41 training in evaluations of child abuse. After the INTERVIEW OR 41
42 examination, OR BOTH, the person shall release the child to the custody of 42
43 the parent or guardian of the child unless the INTERVIEW OR examination 43
44 reveals abuse. Temporary custody of a child taken into custody because an 44
45 exigent circumstance described in subsection K, paragraph 2 of this 45
section exists shall not exceed twelve hours.

1 G. A child who is taken into temporary custody pursuant to this
2 article shall not be held in a police station, jail or lockup where adults
3 or juveniles who are charged with or convicted of a crime are detained.
4 H. A child shall not remain in temporary custody for more than
5 seventy-two hours excluding Saturdays, Sundays and holidays unless a
6 dependency petition is filed.
7 I. To execute an order authorizing temporary custody, a peace
8 officer may use reasonable force to enter any building in which the person
9 named in the removal authorization is or is reasonably believed to be.
10 J. A person who knowingly interferes with the taking of a child
11 into temporary custody under this section is guilty of a class 2
12 misdemeanor.
13 K. For the purposes of this section, "exigent circumstances" means
14 there is probable cause to believe that the child is likely to suffer
15 serious harm in the time it would take to obtain a court order for removal
16 and either of the following is true:
17 1. There is no less intrusive alternative to taking temporary
18 custody of the child that would reasonably and sufficiently protect the
19 child's health or safety.
20 2. Probable cause exists to believe that the child is a victim of
21 sexual abuse or abuse involving serious physical injury that can be
22 diagnosed only by a physician who is licensed pursuant to title 32,
23 chapter 13 or 17 or a health care provider who is licensed pursuant to
24 title 32 and who has specific training in evaluations of child abuse.
25 Sec. 2. Section 13-3620, Arizona Revised Statutes, is amended to
26 read:
27 13-3620. Duty to report abuse, physical injury, neglect and
28 denial or deprivation of medical or surgical care
29 or nourishment of minors; medical records;
30 exception; violation; classification; definitions
31 A. Any person who reasonably believes that a minor is or has been
32 the victim of physical injury, abuse, child abuse, a reportable offense or
33 neglect that appears to have been inflicted on the minor by other than
34 accidental means or that is not explained by the available medical history
35 as being accidental in nature or who reasonably believes there has been a
36 denial or deprivation of necessary medical treatment or surgical care or
37 nourishment with the intent to cause or allow the death of an infant who
38 is protected under section 36-2281 shall immediately report or cause
39 reports to be made of this information to a peace officer, to the
40 department of child safety or to a tribal law enforcement or social
41 services agency for any Indian minor who resides on an Indian reservation,
42 except if the report concerns a person who does not have care, custody or
43 control of the minor, the report shall be made to a peace officer only. A
44 member of the clergy, a Christian Science practitioner or a priest who has
45 received a confidential communication or a confession in that person's

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1 role as a member of the clergy, as a Christian Science practitioner or as
2 a priest in the course of the discipline enjoined by the church to which
3 the member of the clergy, the Christian Science practitioner or the priest
4 belongs may withhold reporting of the communication or confession if the
5 member of the clergy, the Christian Science practitioner or the priest
6 determines that it is reasonable and necessary within the concepts of the
7 religion. This exemption applies only to the communication or confession
8 and not to personal observations the member of the clergy, the Christian
9 Science practitioner or the priest may otherwise make of the minor. For
10 the purposes of this subsection, "person" means:
11 1. Any physician, physician's assistant, optometrist, dentist,
12 osteopathic physician, chiropractor, podiatrist, behavioral health
13 professional, nurse, psychologist, counselor or social worker who develops
14 the reasonable belief in the course of treating a patient.
15 2. Any peace officer, child welfare investigator, child safety
16 worker, member of the clergy, priest or Christian Science practitioner.
17 3. The parent, stepparent or guardian of the minor.
18 4. School personnel, domestic violence victim advocates or sexual
19 assault victim advocates who develop the reasonable belief in the course
20 of their employment.
21 5. Any other person who has responsibility for the care or
22 treatment of the minor.
23 6. Any person who is employed as the immediate or next higher level
24 supervisor to or administrator of a person who is listed in paragraph 1,
25 2, 4 or 5 of this subsection and who develops the reasonable belief in the
26 course of the supervisor's or administrator's employment, except that if
27 the supervisor or administrator reasonably believes that the report has
28 been made by a person who is required to report pursuant to paragraph 1,
29 2, 4 or 5 of this subsection, the supervisor or administrator is not
30 required to report pursuant to this paragraph.
31 B. A report is not required under this section either:
32 1. For conduct prescribed by sections 13-1404 and 13-1405 if the
33 conduct involves only minors who are fourteen, fifteen, sixteen or
34 seventeen years of age and there is nothing to indicate that the conduct
35 is other than consensual.
36 2. If a minor is of elementary school age, the physical injury
37 occurs accidentally in the course of typical playground activity during a
38 school day, occurs on the premises of the school that the minor attends
39 and is reported to the legal parent or guardian of the minor and the
40 school maintains a written record of the incident.
41 C. If a physician, psychologist or behavioral health professional
42 receives a statement from a person other than a parent, stepparent,
43 guardian or custodian of the minor during the course of providing sex
44 offender treatment that is not court ordered or that does not occur while
45 the offender is incarcerated in the state department of corrections or the

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1 department of juvenile corrections, the physician, psychologist or
2 behavioral health professional may withhold the reporting of that
3 statement if the physician, psychologist or behavioral health professional
4 determines it is reasonable and necessary to accomplish the purposes of
5 the treatment.
6 D. Reports shall be made immediately either electronically or by
7 telephone. The reports shall contain the following information, if known:
8 1. The names and addresses of the minor and the minor's parents or
9 the person or persons having custody of the minor.
10 2. The minor's age and the nature and extent of the minor's abuse,
11 child abuse, physical injury or neglect, including any evidence of
12 previous abuse, child abuse, physical injury or neglect.
13 3. Any other information that the person believes might be helpful
14 in establishing the cause of the abuse, child abuse, physical injury or
15 neglect.
16 E. A health care professional who is regulated pursuant to title 32
17 and who, after a routine newborn physical assessment of a newborn infant's
18 health status or following notification of positive toxicology screens of
19 a newborn infant, reasonably believes that the newborn infant may be
20 affected by the presence of alcohol or a drug listed in section 13-3401
21 shall immediately report this information, or cause a report to be made,
22 to the department of child safety. For the purposes of this subsection,
23 "newborn infant" means a newborn infant who is under thirty days of age.
24 F. Any person other than one required to report or cause reports to
25 be made under subsection A of this section who reasonably believes that a
26 minor is or has been a victim of abuse, child abuse, physical injury, a
27 reportable offense or neglect may report the information to a peace
28 officer or to the department of child safety, except if the report
29 concerns a person who does not have care, custody or control of the minor,
30 the report shall be made to a peace officer only.
31 G. A person who has custody or control of medical records of a
32 minor for whom a report is required or authorized under this section shall
33 make the records, or a copy of the records, available to a peace officer,
34 child welfare investigator or child safety worker investigating the
35 minor's neglect, child abuse, physical injury or abuse on written request
36 for the records signed by the peace officer, child welfare investigator or
37 child safety worker. Records disclosed pursuant to this subsection are
38 confidential and may be used only in a judicial or administrative
39 proceeding or investigation resulting from a report required or authorized
40 under this section.
41 H. When reports are received by a peace officer, the officer shall
42 immediately notify the department of child safety. Notwithstanding any
43 other statute, when the department receives these reports, it shall
44 immediately notify a peace officer in the appropriate jurisdiction.

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1 I. Any person who is required to receive reports pursuant to
2 subsection A of this section may take or cause to be taken photographs of
3 the minor and the vicinity involved. FORENSIC INTERVIEWS OR medical
4 examinations, OR BOTH, of the involved minor may be performed.
5 J. A person who furnishes a report, information or records required
6 or authorized under this section, or a person who participates in a
7 judicial or administrative proceeding or investigation resulting from a
8 report, information or records required or authorized under this section,
9 is immune from any civil or criminal liability by reason of that action,
10 unless the person acted with malice or unless the person has been charged
11 with or is suspected of abusing or neglecting the child or children in
12 question.
13 K. Except for the attorney client privilege or the privilege under
14 subsection L of this section, no privilege applies to any:
15 1. Civil or criminal litigation or administrative proceeding in
16 which a minor's neglect, dependency, abuse, child abuse, physical injury
17 or abandonment is an issue.
18 2. Judicial or administrative proceeding resulting from a report,
19 information or records submitted pursuant to this section.
20 3. Investigation of a minor's child abuse, physical injury, neglect
21 or abuse conducted by a peace officer or the department of child safety.
22 L. In any civil or criminal litigation in which a child's neglect,
23 dependency, physical injury, abuse, child abuse or abandonment is an
24 issue, a member of the clergy, a Christian Science practitioner or a
25 priest shall not, without his consent, be examined as a witness concerning
26 any confession made to him in his role as a member of the clergy, a
27 Christian Science practitioner or a priest in the course of the discipline
28 enjoined by the church to which he belongs. This subsection does not
29 discharge a member of the clergy, a Christian Science practitioner or a
30 priest from the duty to report pursuant to subsection A of this section.
31 M. If psychiatric records are requested pursuant to subsection G of
32 this section, the custodian of the records shall notify the attending
33 psychiatrist, who may excise from the records, before they are made
34 available:
35 1. Personal information about individuals other than the patient.
36 2. Information regarding specific diagnosis or treatment of a
37 psychiatric condition, if the attending psychiatrist certifies in writing
38 that release of the information would be detrimental to the patient's
39 health or treatment.
40 N. If any portion of a psychiatric record is excised pursuant to
41 subsection M of this section, a court, on application of a peace officer,
42 child welfare investigator or child safety worker, may order that the
43 entire record or any portion of the record that contains information
44 relevant to the reported abuse, child abuse, physical injury or neglect be
45 made available to the peace officer, child welfare investigator or child

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- 1 safety worker investigating the abuse, child abuse, physical injury or
2 neglect.
3 0. A person who violates this section is guilty of a class 1
4 misdemeanor, except if the failure to report involves a reportable
5 offense, the person is guilty of a class 6 felony.
6 P. For the purposes of this section:
7 1. "Abuse" has the same meaning prescribed in section 8-201.
8 2. "Child abuse" means child abuse pursuant to section 13-3623.
9 3. "Neglect" has the same meaning prescribed in section 8-201.
10 4. "Reportable offense" means any of the following:
11 (a) Any offense listed in chapters 14 and 35.1 of this title or
12 section ~~13-3506.01~~ 13-3506.
13 (b) Surreptitious photographing, videotaping, filming or digitally
14 recording or viewing a minor pursuant to section 13-3019.
15 (c) Child sex trafficking pursuant to section 13-3212.
16 (d) Incest pursuant to section 13-3608.
17 (e) Unlawful mutilation pursuant to section 13-1214.

APPROVED BY THE GOVERNOR MAY 19, 2023.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 22, 2023.

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